

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.62767 of 2023

Arising Out of PS. Case No.-182 Year-2021 Thana- BHOJPUR COMPLAINT CASE

District- Bhojpur

=====

SHAIENDRA TRIPATHI @ SHAIENDRA KUMAR TRIPATHI, Male, aged about 33 years, son of Arun Tripathi, resident of Village- Sedaha Ps- Udwant Nagar Dist- Bhojpur at present resident of Chamaw Basti, Sadhu Ka Akhara Ps- Shivpur Dist- Varanasi, U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Devi wife of Shailendra Tripathi, D/o- Ram Kumar Dubey, Resident of village- Belaur Ps- Udwant Nagar Dist- Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaubey, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP
For the informant : Mr. Rakesh Mohan Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Rajesh Kumar Chaubey learned counsel appearing on behalf of the petitioner; Mr. Bishweshwar Ram, learned APP for the State and Mr. Rakesh Mohan Singh, learned counsel for the complainant.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 182(C) of 2021 registered for the offence(s) punishable under Sections 498A of the Indian Penal Code.

3. Allegation against the petitioner is to have assaulted the opposite party no.2 for non-fulfilment of demand of dowry.



4. Learned counsel appearing on behalf of the petitioner submits that due to strained matrimonial relationship between the petitioner and opposite party no.2, who is legally wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits that he has made specific statement in paragraph no.9 of the petition that petitioner is ready to keep opposite party no.2 with full dignity and honour and he will also satisfy her physical desire and support her by meeting all her expenses.

5. Mr. Rakesh Mohan Singh, learned counsel, enters appearance on behalf of opposite party no.2 and admits that opposite party no.2 is ready to live along with the petitioner on the terms and conditions, as he has undertaken in paragraph no. 9 of the bail application as well as what has been stated in the open Court on behalf of the petitioner by learned counsel.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the nature of allegation made against the petitioner as well as the desire of opposite party no.2 to live along with the petitioner and the undertaking given on behalf of petitioner that he is ready to keep the opposite party no.2 with full dignity and honour and he will also satisfy her all physical



need and monetary requirement, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail provisionally.

8. The petitioner, above named, is directed to be released on **provisional bail for a period of three months**, in the event of his surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 182(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, with further condition that during the aforesaid period, the petitioner must take all efforts to reconcile his strained matrimonial relationship and appear before the court below along with the opposite party no.2 and thereafter the court below is directed to observe the conduct of both the parties and in case, the husband and wife do not complain in any manner, the provisional bail shall be made absolute after one year on such terms and conditions, as the court below deems it fit and proper. In case of failure, the court may proceed with mediation between the parties or the parties may avail appropriate remedy in accordance with law.



9. With the aforesaid observation/direction, the application stands disposed off.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

