

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58503 of 2022

Arising Out of PS. Case No.-1035 Year-2019 Thana- VAISALI COMPLAINT CASE District- Vaishali

Deepak Kumar, S/o Harishchandra Paswan, Resident of - Purani Pani Tanki,
B V College, Rukanpura, P.S. Airport, Distt.- Patna, Bihar- 800014

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari W/o Deepak Kumar Resident of village- Muravatpur, Near Durga Sthan P.S.- Desri, P.O.- Mahnar, District- Vaishali, presently residing at C/O Surendra Bhagat, Village- Jagdishpur, P.O.- Mohnpur, P.S.- Radhopur, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate.

For the Opposite Party/s: Mr.Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 29-04-2023 Heard Mr. Suraj Samdarshi, learned counsel appearing on behalf of the petitioner and Mr. Khurshid Anwar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1035 of 2019 registered for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The present case relates to matrimonial dispute between the petitioner and the opposite party no.2 who are husband and wife.

4. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner is ready to live along with opposite party no.2 and to that effect he has also



made specific statement in Para-19 of the bail application that he will keep her with full dignity and honour.

5. Considering the fact that the parties are having strained matrimonial relationship, the petitioner is now ready to keep the opposite party no.2 with full dignity and honour and he will also ensure her physical desire as well as financial needs, the petitioner and the opposite party no.2 are directed to appear before the court below by filing a joint affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within three weeks, till then no coercive steps.

6. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail **provisionally** on such terms and conditions as the court below deems it fit and proper.

7. Court below is directed to observe the conduct of the petitioner for a period of one year and if no complaint is made by the opposite party no.2, the provisional bail granted to the petitioner shall be confirmed subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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