

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71483 of 2023

Arising Out of PS. Case No.-899 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Pradeep Ram Son of Pattu Ram R/O Village- Bherachaur Sarsaiya, P.S-
Bagaha (Pathkauli), Distt.- West Champaran.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Meera Devi D/O Ramjee Ram, W/O Pradeep Ram R/O Village- Bhera
Chaur Sarsaiya, P.S- Bagaha, (Pathkhauli), Distt.- West Champaran, At
Present- Maunaha Tola Chiutaha, P.S- Chiutaha, Distt.- West Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Anand Kishore Choudhary, Advocate
For the Informant	:	Mr.Bimlesh Kumar Pandey, Advocte
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Anand Kishore Choudhary, learned counsel

appearing on behalf of the petitioner, Mr. Bimlesh Kumar

Pandey, learned counsel for the informant and Mr. Surendra

Prasad Singh, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Tr. No.2205 of 2023 arising out of Complaint Case No.899 of

2022 registered for the offence punishable under Sections 498A

of the Indian Penal Code and Section 3/4 of 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 respectively.

4. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner is ready to live with Opposite Party No.2 and to that effect he has also made specific statement in Para-14 of the bail application that he will keep her with full dignity and honour. In paragraph no.10 of the bail application, the petitioner has submitted that he has filed Matrimonial Case No.266/2022 for restitution of conjugal rights.

5. Considering the fact that the both the parties are having strained matrimonial relationship, the petitioner is now ready to keep Opposite Party No.2 with full dignity and honour and he will also ensure her physical desire as well as financial needs -

(I) The learned district court is directed to call upon both the parties and seek desire of O.P.no.2 as to whether she wants to live with the petitioner and if Opposite Party No.2 is willing to live with the petitioner, in that event, the petitioner is directed to be released on pre-arrest bail in connection with Tr. No.2205 of 2023 arising out of Complaint Case No.899 of 2022,



subject to condition as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

Or

(II) If both the parties are agreed to live together, they will file a joint affidavit before the learned district court and in that event, the petitioner will be released on *provisional bail* for a period of one year in connection with Tr. No.2205 of 2023 arising out of Complaint Case No.899 of 2022. In the meantime, the learned district court is directed to observe the conduct of the petitioner and the Opposite Party No.2 and if no complaint is made by the Opposite Party No.2, the provisional bail granted to the petitioner shall be confirmed subject to condition as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

6. In case either of the two conditions, as above, one is not fulfilled by the Opposite Party No.2, in that case, the petitioner will be released on pre-arrest bail in connection with Tr. No.2205 of 2023 arising out of Complaint Case No.899 of 2022, on such terms and conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.



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

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

