

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58741 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA PS District- Darbhanga

Madhup Kumar Choudhary @ Bablu Son of Ramsharan Choudhary, Resident of Village - Tarouni, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ladli Kumari Daughter of Sadanand Isser, Resident of Village - Poudi Dakhram, P.S.- Bahera, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Choudhary, Advocate
For the Opposite Party/s	:	Mr.Shaheen Begum, APP
For the Informant	:	Mr.B.Nath Prasad, Advocate
		Mr.Pramod Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2023 Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Darbhanga Mahila P.S.Case No.05/2022 registered for the offences punishable under Sections 498(A), 323, 504, 506 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

3. Prosecution story, in brief, is that the matrimonial relationship strained between the parties due to non-fulfilment of demand of dowry, the petitioner tortured and assaulted the opposite party no.2, who is the wife of the petitioner, and O.P.No.2 was compelled to file a complaint against the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is ready to keep his wife i.e. opposite party no.2 with full dignity and honour, however, opposite party no.2 is not ready to live with him.

5. Learned counsel appearing on behalf of opposite party no.2 informs this Court that the opposite party no.2 is not ready to live with the petitioner because the petitioner tortures her and demands dowry.

6. Considering the fact that the petitioner is still ready to keep his wife i.e. O.P. no.2 with full dignity and honour, it would be in the interest of the couple to direct the petitioner to be released on pre-arrest bail provisionally in connection with Darbhanga Mahila P.S.Case No.05/2022 pending before the S.D.J.M., Darbhanga on such terms and conditions as laid down under Section 438(2) of the Cr.P.C. and the court below deems it fit and proper.

7. In the meantime, the learned court below shall watch the conduct of the petitioner for one year that the petitioner is living a happy matrimonial life with the O.P. No.2. On being satisfied with the conduct of the petitioner and no any complaint is made out by the O.P.No.2, the provisional bail of the petitioner is directed to be confirmed on such terms and conditions under Section 438(2) of the Code of Criminal



Procedure and other conditions as the court below deems fit and proper.

8. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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