

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65128 of 2023

Arising Out of PS. Case No.-441 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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APURVA KUMAR, age about 29 years, Gender- Male, SON OF ASHOK KUMAR SINHA VILLAGE- SAMAYE, THANA- MUFASIL, DIST- NAWADA. AT PRESENT ADDRESS- MOHALLA RAM NAGAR CIRCUIT HOUSE (BEHIND), THANA- TOWN, DISTT- NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANKITA SINHA, WIFE OF APURVA KUMAR, D/O ANIL KUMAR RESIDENT OF MOHALLA- HANUMAN NAGAR, NEW AREA, THANA- TOWN NAWADA, DISTT- NAWADA (BIHAR)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the State : Mr. Arun Kumar Pandey, APP
For the complainant : Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Nishant Kumar Sinha, learned counsel appearing on behalf of the petitioner; Mr. Arun Kumar Pandey, learned APP for the State and Mr. Deepak Kumar, learned counsel for the complainant.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No.441 of 2023 registered for the offence(s) punishable under Sections 498(A), 307, 323 and 379 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. Petitioner is accused of having demanded dowry



and tortured the petitioner for non-fulfilment of demand of dowry.

4. Mr. Nishant Kumar Sinha, learned counsel appearing on behalf of the petitioner, submits that after realizing that he has entered into a pious knot of marriage with opposite party no.2, he wants to live with her and he will keep her with full dignity and honour and will also satisfy her physical desire as well as financial requirement.

5. Mr. Manoj Kumar, learned counsel appearing on behalf of the complainant/opposite party no.2 submits that complainant is also ready to live along with the petitioner but not at his parental home.

6. At this stage, learned counsel appearing on behalf of the petitioner, submits that, that being the condition that opposite party no.2 wants to live at any separate place of dwelling, the petitioner is agreed to the same, so that they can reconcile among each other and lead a happy matrimonial life and there is every likelihood that opposite party no.2 will realize to take care of his old parents.

7. Learned APP for the State submits that the allegation being purely private in nature and petitioner has been made accused because of strain matrimonial relationship which



can amicably be settled between the parties. He supports the stand taken on behalf of the petitioner as well as opposite party no.2, who are ready to live with each-other.

8. Having considered the rival submissions made on behalf of the parties, the petitioner and the opposite party no.2 are directed to appear before the court below, as on the date fixed by the district court, i.e., one week after Puja holidays.

9. In case, opposite party no.2 does not appear before the court below on the date fixed without giving any reason by filing affidavit on her behalf then the petitioner is directed to be released on **provisional bail** on such terms and conditions, as the court below deems it fit and proper.

10. In case, the parties appear and file a joint petition that they want to live together, the petitioner is directed to be released on pre-arrest bail on the same day on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No.441 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. The court below after examining the situation may further try to reconcile between the parties, in case opposite



party no.2 has any reservation in living with the petitioner.

12. However, the provisional bail, if granted to the petitioner, shall continue till a further period of one year to allow the parties to reconcile their strain matrimonial relationship.

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

(Purnendu Singh, J)

Sanjay/-

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