

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66403 of 2023

Arising Out of PS. Case No.-368 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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ABHISHEK KUMAR Son of Ramji Chaudhary VILLAGE_ RAMNAGAR
MATH, LABHGAON, P.S. KHAGARIA, DISTT. KHAGARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rupa Kumari Wife of Abhishek Kumar, D/o Late Suraj Prakash Chaudhary
Presently residing at Mohalla - Vishwanath Ganj, in the street of Arun
Middle School, ward no. 07, P.S. - Khagaria, Distt. - Khagaria
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, APP.
For the O.P. No.2	:	Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Ranjeet Kumar Singh, learned counsel
appearing on behalf of the petitioner; Mr. Lakshmi Kant
Sharma, learned APP for the State and Mr. Shailendra Kumar
Singh, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 368C/2021 registered for the offence
punishable under Section 498(A) of the Indian Penal Code and
Sections 3 and 4 of the Dowry Prohibition Act.

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

4. Learned counsel appearing on behalf of the
petitioner submits that due to strained matrimonial relationship
between the petitioner and the 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. 13 of the petition that the 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. Learned counsel appearing on behalf of the opposite party no.2 submits that the opposite party no.2 is ready to live along with the petitioner on the terms and conditions as he has undertaken in paragraph no. 13 of the bail application as well as 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 the 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 the 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 SDJM, Khagaria in connection with Complaint Case No. 368C 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 will 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.

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

(Purnendu Singh, J)

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