

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71377 of 2023**

Arising Out of PS. Case No.-136 Year-2019 Thana- KARPI District- Jehanabad

PRABHU SAO, aged about 36 years, Male, son of Nanku Sao, Resident of  
Village- Karpi Dih Ps- Karpi Dist- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reeta Kumari, wife of Prabhu Sao, resident of Village- Karpi dih Ps- Karpi  
Dist- Arwal

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      07-11-2023                      Heard Mr. Shivendra Prasad, learned counsel  
appearing on behalf of the petitioner and Mr. Shyam Bihari  
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Karpi P.S. Case No.136 of 2019 dated 08.07.2019  
registered for the offence(s) punishable under Sections, 341,  
323, 498A, 504 and 506/34 of the Indian Penal Code.

3. Allegation against the petitioner and his family  
members is to have tortured and assaulted the opposite party  
no.2 for non-fulfilment of demand of dowry. It is further  
alleged that petitioner has performed second marriage.

4. Learned counsel appearing on behalf of the



petitioner submits that due to strained matrimonial relationship between the petitioner and 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.14 of the petition that 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 APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned District Court is directed to issue notice to the informant / complainant to appear before the court by fixing any date of hearing, not beyond a period of six weeks, from the date of passing of this order and seek her desire, as to whether, she is willing to live along with the petitioner or not. In case, she is ready to live with the petitioner and taking into account undertaking given by the petitioner in Para-14 of the bail application 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, petitioner is directed to be released on **provisional bail**, in the event of his arrest or surrender before the Court below within a period of six weeks



from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Karpi P.S. Case No.136 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

7. The provisional bail granted to the petitioner shall be confirmed after observing the conduct of both the parties. In case any of the parties complains before the court, then in that case, they are at liberty to avail remedy in accordance with law. In case, the parties have resolved their dispute amicably and they reside happily with each other, in that case, provisional bail granted to the petitioner shall be confirmed after a period of one year.

8. With the aforesaid observation/direction, the application stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

