

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71457 of 2023

Arising Out of PS. Case No.-3282 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rishikesh Kumar, aged about 32 years, Gender- male, Son Of Uday Shankar
Thakur, Resident of Village- Bijrauli P.S.-Tasiauta District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife Of Rishikesh Kumar At Present Vill- Parai Po-Mahua Ps-
Mahua Dist-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Raja Ram Rai, learned counsel appearing

on behalf of the petitioner and Mr. Pradeep Narain Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 3282 of 2018, Tr. No. 2160 of 2022
registered for the offence punishable under Sections 498(A) of
the Indian Penal Code and Section 3/4 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 a specific statement in Paragraph No. 6 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 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-6 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 satisfaction of learned S.D.J.M., Vaishali at Hajipur, in connection with Complaint Case No. 3282 of 2018, Tr. No. 2160 of 2022, subject to the condition 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)

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