

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71335 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- MAHILA PS District- Gaya

RAVI RANJAN KUMAR SON OF LATE KRISHNA KUMAR @ LATE
KRISHNA KUMAR PRAJAPATI @ LATE KRISHNA PRASAD
PRAJAPATI RESIDENT OF VILLAGE - SHANTI NAGAR OBRA, P.S. -
OBRA, DISTRICT - AURANGBAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUVIDHA KUMARI @ FUDO W/O. RAVI RANJAN KUMAR/ D/O.
RAJENDRA PRASAD @ RAJU RESIDENT OF VILLAGE - MANPUR,
KUMHAR TOLI, P.S. - MUFFASIL, DISTRICT - GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Harsh Singh, Advocate
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP
	Mr. Navin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023

Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Mahila P.S. Case No. 123 of 2022 dated 20.12.2022 registered for the offence(s) punishable under Sections 376, 498(A), 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The matter relates to strained matrimonial relationship between the husband and wife.

4. Learned counsel appearing on behalf of the petitioner submitted that informant, who is a police constable in the State of Bihar, posted at Gaya District, is the wife of the



petitioner, whereas, petitioner is a class IV employee, posted as Assistant Technician at Aurangabad Railway station. The distance of posting appears to have strained their matrimonial relationship, which has led to the filing of the FIR by the opposite party no.2.

5. This Court has requested the respective counsels appearing on behalf of the parties to seek instruction, as to whether, they want to live together and whether the opposite party no.2 will make her request before the higher authority to transfer her at the place of her husband, so that they can lead a happy matrimonial life, considering the fact that they were married in the year 2022 and physiological, as well as, their physical need has led to such aggravated situation, leading to strained matrimonial relationship.

6. Learned counsels appearing on behalf of the husband and wife submit that both the parties agree to live together.

7. Considering the above information and situation which has led to filing of the present FIR by the O.P. No.2 and her willingness to live along with the petitioner, the Controlling Officer as well as the Home Department (Police), Government of Bihar, is directed to accept the request of O.P. No.2,



considering the fact that petitioner and opposite party no.2 are newly married and they may resolve their dispute and live a happy matrimonial life once they enter into family life.

8. I am of the opinion that petitioner may be given some time to reconcile with opposite party no.2, who is also willing to live with him and as such, the petitioner, above named, is directed to be released on **provisional** pre-arrest bail, in the event of his arrest or 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 S.D.J.M., Gaya in connection with Mahila P.S. Case No. 123 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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 resolve 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.



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

(Purnendu Singh, J)

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