

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64681 of 2022

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

ABHISHEK KUMAR SINGH @ ABHISHEK KUMAR S/O Nand Kishor
Singh R/O Village- Bhikhanpur Gumtee No 2, Kamla Niwas, Bhattha Road,
P.S- Ishak Chak, District- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. REENA KUMARI D/O Ganauri Mahto R/O Village- Mahsauni, P.S- Kajra,
District- Lakhisarai

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. The petitioner seeks pre-arrest bail in connection
with Lakhisarai (Mahila) P.S. Case No. 25 of 2019, for the
offence punishable under Sections 498(A)/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The present case relates to matrimonial dispute
between the petitioner and the complainant, who are husband
and wife.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is ready to live with the
informant/O.P. No. 2 and to that effect he has also made specific



statement in para- 7 and 8 of the bail application that he will keep her with full dignity and honour.

5. Considering the fact that the parties are having strained matrimonial relationship, the petitioner is now ready to keep the O.P. No.2 with full dignity and honour and he will also ensure her physical desire as well as financial needs, the petitioner and the informant are directed to appear before the learned court below by filing a joint affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within a period of six weeks, till then no coercive step shall be taken against the petitioner in connection Lakhisarai (Mahila) P.S. Case No. 25 of 2019, pending in the Court of learned S.D.J.M., Lakhisarai.

6. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail **provisionally** on such terms and conditions as the learned Court below deems it fit and proper.

7. In case the parties disagree to live together, the Court below will strive to reconcile the matrimonial dispute between the parties by referring the matter before the District Mediation Centre till then the petitioner is directed to be released on provisional bail till the report of the District



Mediation Centre reported to the concerned Court. After report is submitted and parties reconcile or agrees to live separately one the basis of terms and conditions of the agreement the learned Court below is directed to observe the conduct of the petitioner for a period of one year and if no complaint is made by the complainant, the provisional bail granted to the petitioner shall be confirmed subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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