

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71537 of 2023

Arising Out of PS. Case No.-1928 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VIJAY KUMAR SINGH, aged about 34 years (M), Son of Ranvir Singh,
R/o Lakshmipur, P.S. - Chanpatia (Sirisiya O.P.), Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beauty Kumari @ Kumari Beauty Wife of Vijay Kumar Singh, D/o Vijay Pratap Narayan Shahi R/o Lakshimpur, P.S. - Chanpatia (Sirisiya O.P), Distt. - West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the complainant	:	Mr. Utsav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Brij Kishor Mishra, learned counsel

appearing on behalf of the petitioner; Mr. Mukesh Kumar Singh,

learned APP for the State and Mr. Utsav Kumar, learned counsel

for the complainant.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No.1928 (C) of 2022 registered for the
offence(s) punishable under Sections 341, 323, 406, 498(A),
504, 506/34 of the Indian Penal Code and Section 4 of Dowry
Prohibition Act.

3. The present complaint has been filed due to
strained matrimonial relationship between the petitioner and



opposite party no.2, who is the legally wedded wife of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that considering the fact that the Family Court, West Champaran, before whom the matrimonial case for divorce is pending, which will take time to be decided finally, the petitioner is agreed for one time settlement and permanent alimony to the O.P. No.2 on the agreed terms in between them, including the division in the property and also share some part of his earning. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Utsav Kumar, learned counsel, has tendered his appearance on behalf of the opposite party no.2, who is wife of the petitioner. He submits that he has also received instruction that O.P. No.2 is ready to receive permanent alimony as per her desire and one time settlement with respect to the movable and immovable assets, to which she is entitled in accordance with law. He further submits that to sustain herself financially, she requires some financial support from the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that parties want to



settle the dispute amicably and petitioner has agreed to offer O.P. No.2 her required shares in the movable and immovable properties, as well as, he desires to support the O.P. No.2 financially by giving the desired amount as per her choice, in the interest of the parties, the petitioner, above named, is directed to be released **provisionally** on pre-arrest bail **for a period of three months**, 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., Bettiah, District, West Champaran in connection with Complaint Case No.1928 (C) of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that during the aforesaid period, both the parties will settle their dispute amicably on such terms and conditions, as has been informed by the respective parties in the open Court, which is noted in the above paragraphs of this order.

8. The respective parties may withdraw their respective cases against each other, if such arrangement is accepted by them. In case of failure, the provisional bail granted



to the petitioner shall be cancelled, subject to the condition that the O.P. No.2 must not fail to tender her appearance on each date fixed by the court below.

9. The first date of appearance before the court below is directed to be fixed on 10.11.2023.

10. The registry is directed to communicate this order forthwith today, so that the order can be carried out by the court below effectively.

11. In case the parties agree to the terms and conditions, as has been informed before this Court and an affidavit to that effect is filed before the District Court, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions, as the court below deems it fit and proper.

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

(Purnendu Singh, J)

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