

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75437 of 2023

Arising Out of PS. Case No.-327 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ajay Mishra @ Ajay Kumar Mishra Son Of Sudar Lal Mishra @ Sundar Lal Mishra Resident Of Village And P.O. - Sonapur, P.S. - Katra, District - Muzaffarpur Currently Residing At Pragati Nagar, P.S. - Ahiyapur, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Kumari Wife Of Ajay Kumar Mishra @ Ajay Mishra, D/O. Hari Shankar Jha Resident Of Village - Suwash Kesho, P.S. - Gaighat, District – Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Sri Niwas Jha, learned counsel appearing on behalf of the petitioner and Mr. Anand Kishore Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 327 of 2021 with trial no.3122 of 2022 registered for the offence punishable under Sections 341, 323, 379, 498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Allegation against the petitioner and his family members is to have tortured and 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 opposite party no.2, who is legally wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits 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 that the petitioner 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 four 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 Sub-Divisional Judicial Magistrate East, Muzaffarpur, in connection with Complaint Case No. 327 of 2021 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 particularly when O.P. No.2 do not desire to live together, then in that case, they are at liberty to avail remedy in accordance with law. The petitioner in that case will be released on bail. 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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