

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74527 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA P.S. District- Sheikhpura

RAJEEV KUMAR Son of Suresh Pandit R/v- Gugul Dih, P.S.- Barhat,
District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRIYA DEVI W/o Rajeev Kumar, D/o Tulsi Pandit R/v- Gugul Dih, P.S.- Barhat, District- Jamui At present R/o Ramnagar, P.S.- Barbigha, District- Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate.
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard Mr. Satya Prakash Parasar, learned counsel
appearing on behalf of the petitioner and Mr. Kumar Ranjit
Ranjan, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sheikhpura (Mahila) P.S. Case No. 18 of 2022 registered
for the offence punishable under Sections 498(A)/34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

3. The present case relates to matrimonial dispute
between the petitioner and the opposite party no.2 who are
husband and wife.

4. Learned counsel appearing on behalf of the



petitioner submits that due to strained matrimonial relationship with opposite party no.2, the petitioner don't want to live along with the opposite party no.2. He further submits that he has already filed divorce case no. 136 of 2021 before filing of the present F.I.R. pending before the Principal Judge, Jamui.

5. Mr. Shivnandan Prasad, learned counsel appearing on behalf of the opposite party no.2 submits that he has received instruction from opposite party no.2 that she is still willing to live along with the petitioner on certain terms and conditions.

6. Considering the fact that the opposite party no.2 is willing to live along with the petitioner, however, the petitioner is adamant to obtain divorce and already a divorce case is pending before the court below, petitioner is directed to surrender before the court below and seek regular bail. Court below must consider the fact that the opposite party no.2 is ready to live along with the petitioner and the object of the Family Court Act is to reconcile the strained matrimonial relationship between the parties, no decree has been passed in divorce case, if affidavit is filed on behalf of the petitioner that he is ready to live along with the opposite party no.2 and at the same time he is also ready to withdraw the divorce case and after considering the fact that the petitioner has stated in the bail



application that the opposite party no.2 is having relationship with some other person and if the allegation made by the petitioner against the opposite party no.2 is found to be correct, then in that case, the petitioner is directed to be released on regular bail and if the court finds that the allegation is not sustainable, then in that case he may also direct to proceed for making incorrect / false statement before this Court by drawing a case under Section 340 Cr.P.C.

7. Petitioner is directed to file his regular bail application within a period of three weeks bringing on record all the relevant evidences against the opposite party no.2 till then no coercive steps.

8. If the petitioner don't file any affidavit or move for regular bail, this order will loose its force automatically.

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

(Purnendu Singh, J)

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