

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75165 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- KARAHGAR District- Rohtas

Premchand Sah @ Premchand Kumar S/O Rajbansh Sah R/O Village-
Sonvarsha, P.S- Kargahar, Distt.- Rohtas.

... .. Petitioner/S

Versus

1. The State Of Bihar.
2. Puja Kumari W/O Premchand Sah @ Premchand Kumar And D/O Laxmi
Sah R/O Village- Sheopur, P.S- Nokha, Distt.- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, APP
For the O.P. No.2	:	Mr. Mithilesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Rajani Kant Singh, learned counsel
appearing on behalf of the petitioner, Mr. Mithilesh Kumar
Singh, learned counsel appearing on behalf of the O.P. No.2 and
Ms. Veena Kumari Jaiswal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kargahar P.S. Case No.105 of 2023 registered for the
offence(s) punishable under Sections 498A of the Indian Penal
Code and under Section 3/4 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. The allegation against the petitioner is of
assaulting 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 the opposite party no.2, who is legally wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits that the 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 counsel appearing on behalf of the opposite party no.2 submits that the opposite party no.2 is ready to give undertaking that she is ready to live along with the petitioner as has been stated in the open court on behalf of the petitioner by learned counsel.

6. Petitioner is also directed to file an affidavit before the court below within four weeks to the effect that he is ready to live along with the opposite party no.2 and provide her physical, as well as, financial requirement and keep her with full dignity and honour.

7. If such affidavits are filed by the opposite party no.2 and the petitioner and opposite party no.2 agrees to live together after resolving their strained matrimonial dispute, the

petitioner is directed to be released on provisional bail in the event of his surrender before the Court below within a period of six 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 Additional Chief Judicial Magistrate-IV, Sasaram, Rohtas in connection with Kargahar P.S. Case No.105 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C,

8. 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 don't 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.

9. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J.)

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