

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74569 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- KONCH District- Gaya

Niraj pal s/o Sri Shaligram Pal, Resident of Village- Gorkatti, P.S.- Konch District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka kumari, w/o Niraj Pal, D/o Om Prakash Narayan, Resident of Village- Gorsar, P.S.- Ghosi, District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha, Advocate.

For the Opposite Party/s : Mr. Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2023 Heard Mr. Sri Niwas Jha, learned counsel appearing on behalf of the petitioner and Mr. Bharat Lal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Konch P.S. Case No. 193 of 2021 registered for the offence punishable under Sections 498A, 341, 323, 504 and 506/34 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 informs this Court that the petitioner and the opposite party no.2 are government officials and after intervention of friends and well wishers they have reconciled their matrimonial dispute and are living together. Learned counsel further submits that he has received instruction from the petitioner that the petitioner (husband) is constable in ITBP and opposite party no.2 (wife) is Supply Inspector and both are posted at Patna.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and the development which has taken place during the pendency of the present bail application, the petitioner and the opposite party no.2 are directed to appear before the court below by filing a joint affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within three weeks, till then no coercive steps.

7. In case no joint affidavit is filed, the interim protection granted to the petitioner will loose its force automatically.

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



and subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The court below is further directed that in case of failure on the part of the petitioner in terms of the undertaking given before this Court on his behalf, the Controlling Officer of the petitioner must be informed about criminal case pending against him so that appropriate disciplinary action can be initiated against the petitioner.

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

(Purnendu Singh, J)

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