

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6610 of 2024

Arising Out of PS. Case No.-758 Year-2023 Thana- PATLIPUTRA District- Patna

Babloo Kumar S/o Bhukhalu Mahto R/o Vill - Daudpur Bind Toli, P.S. -
Shahpur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari D/o Sri Sahbeer Mahto R/o Vill - Kurji, Bind Toli, P.S. -
Patliputra, Dist. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nalin Vilochan Tiwary, Advocate.
For the State	:	Mr.Abhay Kumar Roy, APP.
For the O.P. No.2	:	Mr. Ramji Kumar, Advocate. Mr. Pratik Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2024 Heard Mr. Nalin Vilochan Tiwary, learned counsel

appearing on behalf of the petitioner, Mr. Abhay Kumar Roy,

learned APP for the State and Mr. Ramjit Kumar along with Mr.

Pratik Kumar, learned counsel appearing on behalf of the O.P.

No.2.

2. The petitioner seeks pre-arrest bail in connection
with Patliputra P.S. Case No. 758 of 2023 registered for the
offence(s) punishable under Section 498A, 323, 506 and 494 of
the Indian Penal Code and Section 3 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 has filed the present case. 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 also ready to live along with the petitioner if the petitioner keeps her with full dignity and honour and is willing to file affidavit before the District Court.

6. Petitioner is 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. The opposite party no.2 is also required to file



affidavit if she desires to live with the petitioner and will resolve their strained matrimonial dispute.

8. District Court is directed to issue notice to the opposite party no.2 within a period of three weeks.

9. In case affidavits are filed by the parties, 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 A.C.J.M.-X, Patna in connection with Patliputra P.S. Case No. 758 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. 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.

11. In the case of failure on the part of the opposite



party no.2 in filing affidavit, then also the petitioner shall be released on bail.

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

(Purnendu Singh, J)

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