

Arising Out of PS. Case No.-287 Year-2023 Thana- BUXAR COMPLAINT CASE District-
Buxar

... .. Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP
For the Informant : Mr. Kanhaiya Jee Tiwary, Advocate

2 20-02-2024 Heard Mr. Satyapal Singh, learned counsel
appearing on behalf of the petitioner, Mr. Kanhaiya Jee Tiwary,
learned counsel appearing on behalf of the Informant and Mr.
Damodar Prasad Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No.287 (C) of 2023 registered for the offence punishable under Sections 323 and 498(A) of the Indian Penal Code.

3. The present case relates to matrimonial dispute between the petitioner and Opposite Party No.2, who are husband and wife respectively. In Complaint Case No.287 (C) of 2023 filed by Opposite Party No.2, allegations of cruelty, causing hurt and wrongful restraint for non-fulfillment of dowry have been alleged against the petitioner and other in-laws of the

complainant.

4. Learned counsel appearing on behalf of the petitioner who is the husband of the Opposite No.2 submitted that the allegations against the petitioner are general and omnibus. He further submitted that the petitioner has no criminal antecedents and is ready to live along with Opposite Party No.2, endeavoring to fulfill all her financial, as well as, physical desire and also he will keep her with full care, respect and dignity.

5. Learned APP appearing on behalf of the State has submitted that the dispute between the husband and wife being matrimonial dispute, can be resolved amicably between the parties.

6. Heard the parties.

7. The question arises in the present bail application, as to whether, when the parties have shown their willingness that they want to resolve their dispute and lead a happy conjugal life, at an interlocutory stage, can pre-arrest bail be granted? This Court, considering the law laid by the Apex Court in the case of *K. Srinivas Rao vs. D.A. Deepa, (2013) 5 SSC 226*, has passed a detailed order in the case of *Vipin Kumar Versus the State of Bihar & Anr. (Cr. Misc. No.9176 of 2024)*, vide order

dated 20.02.2024, granting anticipatory bail on the similar facts, where the parties have shown their willingness to live together.

8. Considering the rival submissions made on behalf of the parties, the allegation made in the complaint, totality of the circumstances and the fact reveals that a general and omnibus allegation has been made against the petitioner and applying the observations made in *Vipin Kumar (Supra)*, particularly considering that the parties are willing to settle their dispute amicably and the petitioner has no criminal antecedent and custodial interrogation is not necessary, I am of the opinion that the petitioner has made out a *prima facie* case to be released on anticipatory bail.

9. The District Court is directed to release the petitioner, above-named, on pre-arrest bail, in the event of his arrest or surrender before the learned 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 Chief Judicial Magistrate, Buxar/concerned court in connection with Complaint Case No.287 (C) of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

10. In case of failure to live together, the parties may

take steps to resolve their matrimonial dispute in an amicable manner. If required, they may file an application before the learned district court for referring the matter to the concerned District Mediation Center.

11. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J.)

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