

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59704 of 2023

Arising Out of PS. Case No.-293 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravi Shankar Sao Son Of Ashok Prasad @ Ashok Sao Resident Of Village-
Hasan Chak, Ps- Barh, Distt- Patna. Petitioner/S

Versus

1. The State Of Bihar.
2. Rekha Devi Wife Of Ravi Shankar Sao Resident Of Village- Hasan Chak,
PS- Barh, Distt- Patna. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Manoj Kumar, APP
For the Opposite Party No.2	:	Mr. Satish Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-02-2024 Heard Mr. Anuj Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Manoj Kumar, learned APP
appearing on behalf of the State and Mr. Satish Kumar Sinha,
learned counsel appearing on behalf of the Opposite Party No.2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 293 of 2021 registered under Sections
323, 498(A), 504, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
used to assault the opposite party no.2 for non-fulfillment of
demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is ready to keep the
opposite party no.2 with full dignity and honour and he will also

satisfy her all physical need and monetary requirements, admitting the fact that out of wedlock one son and one daughter have been born and they are still minor. The petitioner undertakes to provide them good education by admitting them into a prominent school of the area and it has been informed by the learned counsel that petitioner will provide Rs.10,000/- per month for proper care and nutrition of the two children. However, learned counsel submits that even then complainant is not ready to stay with the petitioner.

5. Mr. Satish Kr. Sinha, has tendered his appearance on behalf of the Opposite Party No.2 and he informed that petitioner is having relationship outside of his marriage with another woman. However, he submits that the complainant did not find it proper to seek divorce from the petitioner taking into consideration that the complainant has two minor children, who require proper care and good education and considering the fact that petitioner has admitted to take care of the two children and ready to keep Opposite Party No.2 with full dignity, honour, as well as, he will fulfill all her physical and financial requirements. The complainant is ready to live along with the petitioner subject to the condition that the undertaking given by the petitioner in paragraph no.6 of the petition and petitioner has

undertaken in the open Court that he is ready to spend a sum of Rs.10,000/- per month on the two children for proper care and is also ready to provide good education to the children.

6. Learned APP for the State submits that the matter can be amicably settled.

7. The question which arises in the present bail application is, when the parties have shown their willingness that they want to resolve their marital dispute and lead a happy conjugal life, whether 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 learned District Court is directed to release the petitioner on anticipatory 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 J.M. 1st Class, Barh in connection with Complaint Case No. 293 of 2021, subject to the condition 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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