

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80929 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA P.S. District- Saharsa

RAVI SHANKAR son of Baidh Nath Prasad Verma R/o- Vidyapati Nagar,
Fakir Tola, P.S- Saharsa District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. SONAM KUMARI wife of Ravi Shankar, D/o- Late Bhagirath Lal R/o-
Dumrail Ward No.-33/26, Shiv Nagar, P.S- Saharsa District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr.Veena Kumari Jaiswal, APP.
For the Informant	:	Mr. Deep Anshuman, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Satish Kumar Singh, learned counsel
appearing on behalf of the petitioner; Mrs. Veena Kumari
Jaiswal, learned APP for the State and Mr. Deep Anshuman,
learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Saharsa Mahila P.S. Case No. 30 of 2023 registered for the
offence punishable under Sections 341, 323, 498(A), 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. The allegation 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 the petitioner is ready to keep his legally wedded wife (opposite party no.2) with full dignity and honour in spite of the fact that petitioner has already filed divorce case before the Principal Judge. He further submits that as per the direction of this Court, earlier the petitioner had tried to enter into matrimonial relationship with the opposite party no.2, but she refused to live along with him.

5. Mr. Deep Anshuman, learned counsel tendered his appearance on behalf of the opposite party no.2 and submits that he has been instructed by opposite party no.2 that she is ready to live along with the petitioner, if the petitioner agrees to keep her with full dignity and honour and also the petitioner fulfills her physical desire and supports her financially.

6. Considering the matrimonial dispute between the parties and willingness of opposite party no.2 to live along with the petitioner, earlier the petitioner had agreed with the terms and conditions as stated in the bail application and submitted before the court by the learned counsel that the petitioner was forced to file Divorce Case No. 26 of 2023 as it was not possible for the parties to live together and thereafter another case has



been lodged on the same accusation in which the petitioner seeks bail.

7. Considering the fact that the opposite party no.2 is still ready to live along with the petitioner, it would be proper that the opposite party no.2 must file her affidavit before the court below that she is ready to live along with the petitioner and she will discharge all the duties and obligation of a wife and she will also give full love and affection to the petitioner. The same is also expected to be reciprocated by the petitioner from his side and for that petitioner is also directed to file his personal affidavit before the court below giving undertaking that he will keep opposite party no.2, if such affidavit is filed by the opposite party no.2, with full dignity and honour and will also fulfill her physical desire as well as support her financially and for which this Court finds that to lead a dignified day to day life, the petitioner may provide at least Rs.5000/- per month to the opposite party no.2.

8. In such circumstances, the petitioner is directed to be released on pre-arrest bail **provisionally for a period of one year**, in the event of his arrest or surrender before the 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, Saharsa in connection with Saharsa Mahila P.S. Case No. 30 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. If the conduct of the parties are found good and no one makes any complaint against each other, the provisional bail granted to the petitioner shall be made absolute.

10. In case the opposite party no.2 don't file her personal affidavit giving such undertaking as enumerated in this order, in that case also, the petitioner is directed to be released on pre-arrest bail.

11. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

