

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80343 of 2023

Arising Out of PS. Case No.-285 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Bhushan Rai, aged about 32 years, (Gender Male), son of Sri Ram Sagar Rai,
Ram Swaroop Mahto, resident of Mohalla- Nurpur, Naugarwa, P.S.-
Malsalami, Patna City, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi wife of Bhushan Rai, D/o- Videshi Gope Mohalla- Gadiwan Tola
Ps- Malsalami Patna City Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagadeo Choubey, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Nagadeo Choubey, learned counsel

appearing on behalf of the petitioner and Mr. Md. Anzarul

Haque Sahara, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 285 of 2018 registered for the offence
punishable under Section 498(A) of the Indian Penal Code.

3. Allegation against the petitioner and his family
members is to have tortured and assaulted 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 opposite party no.2, who is legally



wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits that 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 APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned District Court is directed to issue notice to the informant / complainant to appear before the court by fixing any date of hearing, not beyond a period of six weeks, from the date of passing of this order and seek her desire, as to whether, she is willing to live along with the petitioner or not. In case, she is ready to live with the petitioner and taking into account 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 requirement, subject to the condition, in case of any of the parties complains before the court particularly when O.P. No.2 do not desire to live together, then in that case, they are at liberty to avail remedy in accordance with law. The petitioner in that case also he will be released on bail. In case, the parties would resolve their dispute amicably and they reside happily with each other, petitioner is directed to be released on



provisional bail, 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 S.D.J.M., Patna City, in connection with Complaint Case No. 285 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The provisional bail granted to the petitioner shall be confirmed after a period of one year.

8. In case of failure of the petitioner to abide by his undertaking stated in the affidavit then in that case the provisional bail granted to the petitioner shall automatically lose its force.

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

(Purnendu Singh, J)

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