

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80382 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- MUFFASIL District- West Champaran

Abhinandan Kumar, Gender- Male, aged about- 32 Years, Son of Madhusudan Prasad Shrivastava, Resident of- ITI Colony, P.S.- Bettiah Muffasil, District- West Champaran- 845438.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anima Kumari wife of Abhinandan Kumar, D/o- Lalbabu Prasad Village- Bhulvahiya Ps- Purushottampur Dist- W.Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Gupta, Advocate
For the O.P. No. 2	:	Mr. Arbind Kumar Singh, Advocate
For the State	:	Mr. Kanhiya Kishor, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Umesh Kumar Gupta, learned counsel appearing on behalf of the petitioner, Mr. Arbind Kumar Singh, learned counsel appearing on behalf of the O.P. No.2 and Mr. Kanhiya Kishor, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bettiah Muffasil P.S. Case No. 300 of 2023 registered for the offence(s) punishable under Sections 341, 323, 498A, 34 of the Indian Penal Code and Sections 3/4 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 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, the present complaint has been filed. 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 ready to give undertaking that she is ready to live along with the petitioner as has been stated in the open court on behalf of the petitioner by learned counsel.

6. Petitioner is also 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. If such affidavits are filed by the opposite party no.2 and the petitioner and opposite party no.2 agrees to live



together after resolving their strained matrimonial dispute, 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 Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Bettiah Muffasil P.S. Case No. 300 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C,

8. 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.

9. This Court, however, consider that it should not abdicate from the role *parens patriae* and, as such, the petitioner is under obligation to take care of his only child with all love and affection and he must also see that proper nutrition to his



child is given so that he may grow in a healthy environment and if the child attains the certain age required for attending the school in that case, he must provide him good education in a good school of the area and for that, he must make payment of Rs. 3,000/- per month to the opposite party no. 2 so that she can take proper care of the child.

10. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J)

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