

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84298 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHILA P.S. District- Banka

CHITRANJAN DAS son of Udeswar Das Village- Jaypur Ps- Jaypur Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kunti Devi wife of Chitranjan Das Village & P.S- Jaypur Dist- Banka At Present D/o- Shyamlal Das Vill- Khutta Bandh P.S.- Mohanpur Dist- Deoghar Jharkhand

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate.
For the Opposite Party/s: Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Brij Nandad Prasad, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Banka (Mahila) P.S. Case No.15 of 2023 registered for the offence(s) punishable under Sections 498A, 323 and 379/34 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 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 has filed the present case. 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. Petitioner is 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.

6. The opposite party no.2 is also required to file affidavit if she desires to live with the petitioner and will resolve their strained matrimonial dispute.

7. District Court is directed to issue notice to the opposite party no.2 within a period of three weeks.

8. In case affidavits are filed by the parties, 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, Banka in connection with Banka (Mahila) P.S. Case No.15 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. In the case of failure on the part of the opposite party no.2 in filing affidavit, then also the petitioner shall be released on bail.

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

(Purnendu Singh, J)

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