

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1058 of 2024

Arising Out of PS. Case No.-2543 Year-2019 Thana- COMPLAINT CASE District- Araria

Chandan Bahardar Son Of Sri Birendara Bahardar R/O Village- Bhag
Parwaha, Ward No.1, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi Wife Of Chandan Bahardar, D/O Ramanand Bahardar At Present
Residing At Mohalla- Budhiya, Ward No. 04, P.S.- Sarsi, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Nishant Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Rajesh Kumar,

learned APP appearing on behalf of the State.

2. The petitioner apprehend his arrest in connection
with Complaint P.S. Case No.2543-C of 2019 registered under
Sections 498(A), 379, 494, 120(B) of the Indian Penal Code and
Section 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, as well as, 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, Araria, in connection with Complaint P.S. Case No.2543-C of 2019, 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 direct the petitioner that he 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 the child may grow in a healthy environment required and expenditure for education in a good

school of the area and for that, he must make payment of Rs. 5,000/- 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.

Ashishsingh/-

(Purnendu Singh, J.)

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