

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56907 of 2024

Arising Out of PS. Case No.-1286 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Rishi Kant Rai @ Rishi Rai @ Rishi Kant, aged about 31 years (M), Son of
Late Baleshwar Rai, R/O Vill.- Hasanpur, P.S.- Bhagwanpur, Hat, Dist.-
Siwan. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi, aged about 28 years (F), Wife of Rishi Kant Rai, D/O Nawal
Kishore Singh R/O Vill.- Sudhari, P.S.- Bhagwanpur, Hat, Dist.- Siwan.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the informant	:	Mr. Arbind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-05-2025 Heard Mr. Rajiv Ranjan, learned counsel appearing

on behalf of the petitioner and Mr. Md. Ataur Rahman, learned

APP for the State and Mr. Arbind Kumar, learned counsel for

the informant.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1286/2023 registered for the
offence(s) punishable under Sections 323, 406, 420, 307 and
498A of the Indian Penal Code and Section 3/4 of D.P. 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. I have perused the report of the Mediator, who has reported that in spite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is still willing to live along with O.P. No.2 with full dignity and honour but she is not inclined to live with him.

6. Mr. Arvind Kumar, learned counsel, has tendered his appearance on behalf of the opposite party no.2 / wife of the petitioner and has alleged that the petitioner is addicted to alcohol and he assaults her whenever she tries to live with him and in such circumstances, it is very difficult for O.P. No.2 to live with the petitioner. He further submitted that the petitioner and O.P. No.2 have two years male child and petitioner should bear all the expenses, incurred upon him. Parties may avail remedy in accordance with law.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having considered the rival submissions made on behalf of the parties, I find that if the petitioner is willing to live with the O.P. No.2, he should also take care of his two years



male child who requires love and affection of both father and mother. The interest of the child is paramount and this Court as *parens patriae* find it proper to direct the petitioner to take care of the child and bear all the expenses on the physical and mental growth of the child.

9. At this stage, learned counsel appearing on behalf of the petitioner informs that petitioner has given instruction that he is ready to meet the expenses incurred on food, education and private tuition of the child, according to his capacity.

10. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four 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 J.M.F.C., Siwan in connection with Complaint Case No. 1286/2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Purnendu Singh, J)

Sanjay/-

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