

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57492 of 2023**

Arising Out of PS. Case No.-1100 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Sudeep Chatterjee, male aged about 35 years, Son Of Late Manmohan Chatterjee, Resident Of Village- Jogsagar, Burahnath Mandir, Ps- Kotwali, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumari Wife Of Sudeep Chatterjee Resident Of Village- Pothi Colony, Sonely, Ps- Kadba, Distt- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Rajesh Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Md. Anbzarul Haque Sahara, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1100 of 2021 registered for the offence punishable under Section 498 (A) of the Indian Penal Code and Section 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.

4. This Court made a query from learned counsels appearing on behalf of the parties that whether the complainant



is ready to live along with the petitioner in light of the specific statement made by the petitioner in paragraph no. 16 of the bail application. Learned counsel further submitted that he has received instruction that the petitioner is willing to withdraw the divorce case which is pending in the Court of learned Principle Judge, Family Court, Bhagalpur.

5. Learned counsel appearing on behalf of the O.P. No. 2 informed that complainant is ready live along with the petitioner subject to the condition that petitioner fulfills all her physical and financial desire as and when she demands for living a comfortable life and keeps her with fulfill dignity and honour.

6. Considering the desire of the parties, both the parties are directed to file a joint affidavit before the Court below to the effect that the parties have agreed to live together and petitioner must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as well as financial requirement of the complainant so that she can lead a dignified life without any interference of any of the family members of the petitioner.

7. If such affidavit is filed within a period of four weeks, petitioner, above named, 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Katihar in connection with Complaint Case No. 1100 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. It is made clear that Provisional bail shall continue till four weeks from the date of passing of this order to enable him to file joint affidavit along with withdrawal order of divorce case.

9. In case, the petitioner is not able to persuade the informant, in that case, the Court below must proceed to mediate between the parties and see that the parties resolve their dispute amicably and lead a happy matrimonial life. The court below is at liberty to extend the time required for the said purpose taking into consideration that the court should strive for amicable settlement of matrimonial dispute between the husband and the wife till last.

10. In case, withdrawal order of divorce case is filed and parties start living together and after finding that no complaint is made by the either parties, the provisional bail



granted to the petitioner shall be made absolute on such terms
and conditions as the Court below deems fit and proper.

11. The bail application stands disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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