

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5957 of 2020**

Arising Out of PS. Case No.-702 Year-2018 Thana- NATHNAGAR District- Bhagalpur

MD. SARFARAZ @ MD. SARFARAZ KHAN Son of Md. Yasin Khan
Resident of Village - Kabirpur, P.S.- Nath Nagar (Lalmatiya), Distt -
Bhagalpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Saba Parween D/o Md. Shamim Resident of Village - Sujawalpur, P.S.-
Muffasil, Distt - Munger.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr.Anish Chandra, APP
For the O. P. No. 2	:	Mr. Manoj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 28-08-2020 Heard learned counsel for the petitioner and Mr. Anish Chandra, learned APP for the State and Mr. Manoj Kumar Jha who has appeared on behalf of the wife (O.P. No. 2).

The petitioner in the present case is seeking pre-arrest bail in connection with Nathnagar (Lalmatiya) P.S. Case No. 702 of 2018 registered for the offences punishable under Sections 341, 323, 498(A), 504, 506/34 of the Indian Penal Code.

It appears that pursuant to the last order dated 03.07.2020 the petitioner visited the place of O.P. No. 2 after informing the concerned police station. The report received from the police station kept at Flag 'A' as well as learned counsel for the wife (O.P. No. 2) says that now the petitioner and O.P. No. 2 are living together in the matrimonial home and as such O.P. No. 2 has presently no objection



to this Court granting anticipatory bail to the petitioner. O.P. No. 2 also wants to save her *Nikkah* and, therefore she is willing to live peacefully with the petitioner.

Learned counsel for the petitioner has submitted on instruction that the petitioner undertakes to keep O.P. No. 2 as his lawful wife with all dignity and care and in future he will not let her any grievance against him over his conduct.

Learned APP for the State submits that taking into consideration the fact that it is a matrimonial dispute between the parties and saving of marriage is of utmost importance, this Court may consider the prayer keeping in view the submissions of both the parties.

In the facts and circumstances, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Nathnagar (Lalmatiya) P.S. Case No. 702 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Bhagalpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the petitioner shall in terms of his own undertaking keep O.P. No. 2 as his lawful wife with full dignity and care and in case he commits any physical violence against O.P. No. 2 it will be open for O.P. No. 2 to bring it to the notice of the learned court below for appropriate action.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

