

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17415 of 2020

Arising Out of PS. Case No.-618 Year-2019 Thana- COMPLAINT CASE District- Araria

MD. FIROZ ALAM @ FIROZ S/O - Md. Gulam Mustufa Resident of Village
- Khutti Khariya, P.S. - Jokihat, District - Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Nikhat Bano W/O Md. Firoz Alam @ Firoz D/O Late - Abdul Karim
R/O Vill - Farsadangi, P.S. - Jakihat, District - Araria.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 01-02-2021 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and Mr. Kalyan Shankar,
learned A.P.P. for the State.

Petitioner, in the present case, is the husband of
opposite party no. 2 seeking pre-arrest bail in connection with
Complaint Case No. 618C of 2019 registered for the offence
under Section 498A of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
petitioner is ready and willing to live with opposite party no. 2
and lead his conjugal life peacefully if opposite party no. 2 so
agrees.

Learned counsel for opposite party no. 2 submits that



opposite party no. 2 is also willing to live with the petitioner provided the petitioner keeps her with full dignity and care and does not indulge in causing any torture.

It has been agreed at the bar between the parties that the petitioner shall visit the place of opposite party no. 2 within two weeks from today and shall bring her back to his matrimonial home. Learned counsel for the petitioner has prayed for some protection in order to enable the petitioner to visit the place of opposite party no. 2 and bring her back.

Learned A.P.P. for the State submits that this being a matrimonial matter, it would only be in the interest of the parties to live together.

Having regard to the facts and circumstances of the case, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 618C of 2019 be released on provisional 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 Sub-Divisional Judicial Magistrate, Araria, 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.

Further condition that in terms of his own assurance to live with opposite party no. 2, he will visit the place of opposite party no. 2 and shall bring her back to his matrimonial home within a period of two weeks from today.

After the petitioner and opposite party no. 2 starts living together, on being satisfied, the learned court below shall confirm the bail of the petitioner. For this purpose, appropriate date may be fixed by the learned court below.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

