

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32307 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- MAHILA P.S. District- Sitamarhi

Noor Alam, Son of Shaiyad, Resident of village- Murliyachak, P.S.-
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Munni @ Sabana Khatoon W/o Noor Alam @ Majrul, D/o Nabihassan At
present resident of village- Balua, P.S.- Mahindwara, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 01-11-2021 Heard learned counsel appearing on behalf of the

petitioner, Shri Virendra Kumar and learned APP Smt. Asha

Devi, appearing on behalf of the State.

The petitioner seeks anticipatory bail for the alleged
offence under Sections 341, 323, 498(A), 494, 504, 506 and
379/34 of the Indian Penal Code arising out of Sitamarhi Mahila
P.S. Case No. 30 of 2019 pending in the Court of learned C.J.M.
Sitamarhi.

In spite of the notice having been served and received
by the brother of the O.P. No. 2 and considering paragraph no. 3
of the supplementary affidavit where statement has been made
that O.P. No. 2 is residing in the same house with her brother
and sister situated at village Balua, P.S. Mahindra, District-
Sitamarhi, opposite party has not tendered her presence.



Learned counsel appearing on behalf of the petitioner submits that he is ready to keep O.P. No. 2 with full dignity and honor and to that effect specific statement has also been made by him in paragraph no. 9 of the petition.

On perusal of the allegation made in the F.I.R and submission made by learned counsel appearing on behalf of the petitioner, this Court is conscious of the fact that Section 498 (A) of the Indian Penal Code was introduced with avowed object to combat the menace of harassment to an innocent at the hands of the husband and his relation. However, at the same time, the Court must strive to reconcile the matrimonial dispute between the husband and wife so that they may live together and look after their children.

Considering the facts and circumstances of the case, the petitioner is directed to appear before the Court below and either move a joint petition along with O.P. No. 2 hereof (his wife) containing specific averment that both of them are living together. It should also contain specific statement on behalf of the petitioner that O.P. No. 2 is living with full dignity and honor along with him.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or



in the event of informant/opposite party no. 2 deliberately choose not to settle the dispute without any reason.

If the conduct of the petitioner is found to be genuine his provisional bail shall be confirmed by the Court below on such conditions as contained in Section 438(2) Cr.P.C, 1973.

With the aforesaid observation/direction, the application stands disposed off.

(Purnendu Singh, J)

Niraj/-

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