

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55374 of 2021**

Arising Out of PS. Case No.-2323 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Niyaz @ Md. Niyaz Alam @ Niyaz Son Of Md. Jahir Resident Of  
Village Gokhalapur, P.S. - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahenaj W/o Md. Niyaz @ Md. Niyaz Alam @ Niyaz, D/O Md. Nazim at present resident of Village Bishariya, Post - Akarthapa, P.S. Bhargama, District - Araria.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      08-12-2021                      Let the defects, if any, be removed within four weeks of  
the complete start of the physical Court.

Heard the parties.

Opposite Party No.2 has already appeared.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147/341/323/354B/498A/34 of the Indian Penal Code and Section 3/4 of the D. P. Act.

This is a case under Section 498A of the Indian Penal Code. Petitioner is ready for settlement of dispute with Opposite Party No.2, who is wife of the petitioner.

Considering the background and nature of allegation of commission of offence under Section 498A of the Indian Penal



Code, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on **provisional anticipatory bail** on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Complaint Case No.2323 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) **The petitioner shall attend the Court on each and every date till confirmation of provisional bail.**

(d) **The Court-below shall notice both the parties for amicable settlement and if the petitioner would be found cooperative; the Court-below shall confirm the provisional bail.**

Accordingly, this application stands disposed of.

**(Birendra Kumar, J)**

Mkr./-

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