

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8663 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- NAGAR District- Vaishali

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Md. Yunus Kuraishi @ Yunus Kuraishi Son of Md. Yusuf Quareshi Resident of Mohalla - Lavli Pandariwa, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nahid Sana wife of Md. Yunus Kuraishi @ Yunus Kuraishi Resident of Mohalla - Lavli Pandariwa, P.S. - Hajipur Town, District - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahtab Alam, Advocate.

For the Opposite Party/s : Mr.Rajendra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 16-03-2023 Heard Mr. Mahtab Alam, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Singh, learned APP appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Hajipur Town P.S. Case No. 292 of 2021 for the offences punishable under Sections 498A, 341, 323 and 506/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. This Court vide order dated 07.11.2022 had referred the matter to the Patna High Court Mediation Centre on the basis of mutual agreement between the parties that they will try to reconcile the strained matrimonial relationship. However, it appears that the parties have failed to settle their dispute



through the process of mediation.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is still ready to keep the opposite party no.2 with full dignity and honour.

5. This Court made a query from the learned counsel appearing on behalf of the opposite party no.2 as to whether she is willing to reconcile the strained relationship and live along with the petitioner so that they can lead a happy matrimonial life. This Court has taken note of submission made on behalf of the petitioner that the petitioner is ready to keep the opposite party no.2 with full honour and dignity and is also ready to support financially and will take care of day to day need. The very object of family is that the Court as well as the parties should strive to reconcile the strained matrimonial relationship.

6. Considering the said objective, this Court finds it proper to grant the petitioner pre-arrest bail provisionally to enable him to reconcile with the opposite party no.2 so that the parties may enter into happy married life on such terms and conditions as the court below may deem fit and proper. If no complaint is made by the either side, the provisional pre-arrest bail granted to the petitioner shall be made absolute or in case the parties agree to live separately, in that case also, the



provisional bail granted to the petitioner is required to be made absolute so that either party can avail appropriate remedy in accordance with their personal law.

7. The petitioner is directed to be released on pre-arrest bail **provisionally** for a period of one year, 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) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 292 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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