

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22021 of 2023

Arising Out of PS. Case No.-07 Year-2023 Thana- BAIRIYA District- West Champaran

SHAMSHAD GADDI S/O MOKIM GADDI Resident of Village- Tumkadia
Chowk, P.S.- Bairia, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Smt. Namrata Mishra, Advocate. Ms. Archana Jha, Advocate.
For the State	:	Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2023 Heard Smt. Namrata Mishra, learned counsel assisted by Ms. Archana Jha, learned counsel appearing on behalf of the petitioner and Mrs. Asha Devi, learned APP for the State.

2. As prayed for, learned counsel appearing on behalf of the petitioner is permitted to implead the informant as opposite party no.2.

3. The petitioner seeks pre-arrest bail in connection with Bairiya P.S. Case No. 07 of 2023 registered for the offence punishable under Sections 498A, 341, 323, 406 and 504 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

4. The present case relates to matrimonial dispute



between the petitioner and the opposite party no.2 who are husband and wife.

5. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner is ready to live along with opposite party no.2 and to that effect he has also made specific statement in Para-9 of the bail application.

6. Considering the fact that the parties are having strained matrimonial relationship and the readiness of the petitioner to keep the opposite party no.2 with full dignity and honour and he will also ensure her physical desire as well as financial desire forthwith, the petitioner and the opposite party no.2 are directed to appear before the court below by filing a joint affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within three weeks, till then no coercive steps.

7. In case no joint affidavit is filed, the interim protection granted to the petitioner will loose its force automatically.

8. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail **provisionally** on such terms and conditions as the court below deems it fit and proper.



9. Court below is directed to observe the conduct of the petitioner for a period of one year and if no complaint is made by the opposite party no.2, the provisional bail granted to the petitioner shall be confirmed subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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