

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34053 of 2022

Arising Out of PS. Case No.-67 Year-2020 Thana- MAHILA PS District- Buxar

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Aftab Alam, Son of Irfan, Resident of Village - Dhangai, P.S.- Bikramganj,
Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Heena Khatoon W/o Aftab Alam, D/o Murtuja Ali, Resident of Mohalla-
Lahanipatti, Buxar Ward No.21, P.S.- Buxar (T), Distt.- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate.
For the Opposite Party/s : Mrs. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 27-03-2023 Heard Mr. Dhaneshwar Prasad Gupta, learned counsel

appearing on behalf of the petitioner and Mrs. Shaheen Begum,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Buxar (Mahila) P.S. Case No. 67 of 2020 registered for the
offences punishable under Sections 498A, 341 and 323/34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

3. The matter relates to matrimonial dispute between
the husband (petitioner) and the wife (opposite party no.2).

4. Notices were issued to opposite party no.2. The
same was served upon her as per the service report. The



question which remains in the present case is that the petitioner who is the husband is ready to live along with the opposite party no.2 (wife). A statement to that effect has been made in Para-7 of the bail application that he will keep opposite party no.2 with full dignity and honour. It is further submitted by the petitioner's counsel that the petitioner will also fulfill the physical as well as financial need of the opposite party no.2. If his wife desires, he will also remain where opposite party no.2 resides.

5. Considering the aforesaid submission and absence of the opposite party no.2 in spite of the notice having been served upon her and taking into consideration the specific statement of the petitioner made in para-7, it would be in the interest of the couple that the petitioner be released on pre-arrest bail provisionally for a period of three months on such terms and conditions as the court below deems it fit and proper and petitioner is directed to take steps to reconcile with the opposite party no.2 in whatever manner she desires and file a joint affidavit / affidavit on his own behalf. In case, reconciliation fails in spite of his due diligence, the court below is directed to call upon the opposite party no.2 and seek her desire as to whether she is willing to stay with the petitioner or not. In the either case, the court below finds that the parties have resolved



their strained relationship and are ready to live along with each other or in case the parties don't agree to live together, the provisional bail of the petitioner must be confirmed after being satisfied by the effort taken by the petitioner and the Court on its own to reconcile the matrimonial dispute between the couple, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

6. The bail application stands disposed of.

(Purnendu Singh, J)

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