

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38718 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- FALKA District- Katihar

Md. Nadim @ Md. Nadim Akram Son of Md. Alam Resident of village -
Nandanpur ward no. 05, P.S. - Bousi City, Araria, Distt. - Araria

... .. Petitioner

Versus

1. The State of Bihar
 2. Majhabhi Parveen Wife of Md. Nadim @ Md. Nadim Akram, D/o Md. Abdul Wahid Resident of village - Pothia, P.S. - Falka (Pothia), Distt. - Katihar
- Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Dr. Kumar Uday Pratap, APP
For the Informant	:	Mr. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned counsel for the informant as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Falka (Pothia) P.S. Case No. 414 of 2022 registered for the offences punishable under Sections 341, 323, 379, 498(A), 504, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. The petitioner has no criminal antecedent.

3. As per the prosecution story, the O.P. No. 2 got married to the petitioner on 25.02.2018. It is alleged that after marriage, the petitioner and his family members tortured her for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner as well as learned counsel for the informant submit that to find out an amicable resolution of the matrimonial dispute between the parties, the District



Court may be directed to send the records to the Mediation Centre attached to the said court where both the parties can appear and participate in the mediation process.

5. Learned counsel for the informant has submitted that the petitioner is neglecting his wife for all these years and nothing is being paid to her to meet her day-to-day expenses.

6. Learned counsel for the petitioner has, at this stage, submitted that to show his bonafides, the petitioner is ready to pay a sum of Rs.3,000/- per month for the present, subject to any other order which may be passed by the competent court in an appropriate proceeding.

7. Learned counsel for the informant has, in such circumstance, no objection to grant of pre-arrest bail to the petitioner.

8. Having regard to the submissions noted hereinabove and the offer made by the petitioner to pay a sum of Rs.3,000/- per month for the present and that the informant has no objection to grant of anticipatory bail on such condition, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Falka (Pothia) P.S. Case No. 414 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. And further condition that in terms of his own offer, the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand Only/-) per month within first ten days of every month in the account of the informant, subject to any other order which may be passed by a competent court in an appropriate proceeding. Breach of this condition shall invite action towards cancellation of bail bond of the petitioner.

11. Learned court below is directed to send the records to the Mediation Centre attached to the District Court at Katihar for taking appropriate steps towards resolution of the matrimonial disputes.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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