

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38091 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SALIM SHAH CHISTI @ SALEEM SAH CHISTEE Son of Hazi
Mohammad Yunus Resident of - Bhabua Ward No.- 17, P.S.- Bhabua, District
- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Salma Parvin Wife of Saleem Sah Chistee Daughter of Hafiz Mohammad Sarfaraz, At present Resident of Mohalla - Kudara, Sherganj, P.S.- Kudara, District - Kaimur (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, Advocate
For the Informant	:	Mr. Rajni Kant Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-03-2023 Heard Ms. Anita Kumari Singh, learned counsel

appearing on behalf of the petitioner; Mr. Akshay Lal Pandit,

learned APP appearing on behalf of State and Mr. Rajni Kant

Pandey, learned Counsel appearing on behalf of the Opposite

Party No.2.

2. The petitioner apprehends his pre-arrest in

connection with Complaint Case No. 452 of 2021 registered

under Section 498 A of the Indian Penal Code and under

Sections 3 and 4 of the Dowry Prohibition Act.

3. The Opposite Party No. 2, the wife of the petitioner

allegedly being subjected to be treated in inhumanely manner



due to which she has been forced to file a Complaint Case before the learned Chief Judicial Magistrate, Bhabua (Kaimur). Allegation is also of demand of dowry.

4. Learned Counsel appearing on behalf of the petitioner informed this Court that both the petitioner and Opposite Party No. 2 have now reconciled and they are leading a happy married life. No complaint has been made by the wife of the petitioner (Opposite Party No. 2). In spite of notice, Opposite Party No.2 has not tendered her appearance before this Court although the vakalatama is on the record.

5. Learned A.P.P. submitted that the present is a case of strained relationship between the husband and wife and the dispute is private in nature. However, as informed by the petitioner, both the parties are living together. Some protection be provided to the Opposite Party No.2, so that the petitioner may not inflict any torture or demand of dowry.

6. Considering the rival submission made on behalf of the parties, as well as, information given by the learned Counsel appearing on behalf of the petitioner that the couple have now resolved their matrimonial dispute and are leading a happy married life. I am of the opinion that the petitioner has prima facie made out a case to be released on pre-arrest bail.



7. Learned Court below is directed to release the petitioner on provisional bail subject to the condition that the Court below is required to obtain a joint affidavit of the parties to the effect that they are living together without any grievance. The witnesses on the said affidavit must be father and mother of the respective parties. The petitioner must surrender/appear before the Court below within a period of one week along with his wife (Opposite Party No.2) and their parents.

8. The Court below is further directed to observe for a period of one year and if it is found that either parties has not complaint and leading a happy married life, the provisional bail granted to the petitioner is directed to be confirmed on such terms and conditions as fixed by the Court below.

9. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

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