

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44095 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Seraj @ Md. Seraj Alam, Son of Lal Mohamad, Resident of Village -
Naya Tola Dhaka, P.S.- Dhaka, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khursida Khatoon wife of Md. Seraj @ Md. Seraj Alam, daughter of Md. Jabi Hullah @ Jabir Miya, Resident of Village - Bhandar, P.S.- Dhaka, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 05-05-2023 Heard Mr. Ajay Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Anand Kishore
Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. C-18/2022 registered for the offence
punishable under Section 498-A of the Indian Penal Code.

3. The present case relates to matrimonial dispute
between the petitioner and the opposite party no.2 who are
husband and wife.

4. Learned counsel appearing on behalf of the
petitioner submits that the opposite party no.2 has entered into
compromise on the mutually agreed terms and conditions, even



though she is not residing with the petitioner.

5. On the other hand, learned counsel for the opposite party no.2 informs this Court that the petitioner has obtained signature on blank paper in goodwill when they were having good matrimonial relationship and there is every chance that the petitioner will misuse it. Now the petitioner has deserted the informant, however, she is still ready to live with the petitioner.

6. Considering the submission made on behalf of the rival parties, it would be in the interest of justice that both the parties should file a joint affidavit before the court below that they are living together, in that event, 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 and after observing the conduct of the petitioner for at least one year, if no complaint is made by the opposite party no.2, in that case the court below shall confirm the provisional bail granted to the petitioner subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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