

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54462 of 2023

Arising Out of PS. Case No.-1050 Year-2019 Thana- COMPLAINT CASE District- Araria

MD. FIROJ ALAM SON OF MD. ISHAQUHE RESIDENT OF VILLAGE-
BAGDHAHRA, WARD NO. 5, PS- JOKIHAT, DIST- ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. BIBI TASEROON KHATOON DAUGHTER OF Md. Maroof, wife of MD. FIROJ ALAM RESIDENT OF VILLAGE- BALWA, PO- KURSAIL, PS- MAHALGAON (JOKIHAT), DIST- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Advocate.
For the State	:	Mr.Sanjay Kumar, APP.
For the Opposite party No.2:		Mr. Md. Naushad Uzzoha, Advocate. Mr. Nafisuzzoha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Viveka Nand Singh, learned counsel appearing on behalf of the petitioner; Mr. Sanjay Kumar, learned APP for the State and Mr. Md. Naushad Uzzoha assisted by Mr. Nafisuzzoha, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1050-C/2019 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. The allegation against the petitioner is of



assaulting the opposite party no.2 for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submits that due to strained matrimonial relationship between the petitioner and the opposite party no.2, who is legally wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits that the opposite party no.2 has already married with some other person without obtaining any divorce.

5. Learned counsel appearing on behalf of the opposite party no.2 submits that the opposite party no.2 is ready to give undertaking that she has not married with some other person and is ready to live along with the petitioner.

6. Petitioner is also directed to file an affidavit before the court below within four weeks to the effect that he is ready to live along with the opposite party no.2 and provide her physical as well as financial requirement and keep her with full dignity and honour.

7. If such affidavits are filed by the opposite party no.2 and the petitioner and opposite party no.2 agrees to live together after resolving their strained matrimonial dispute, the petitioner is directed to be released on bail in the event of his



surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 2nd Class, Araria in connection with Complaint Case No. 1050-C/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C,

8. In case of failure on the part of the petitioner, the Superintendent of Police, Araria is directed to take appropriate legal action against the petitioner by arresting him from the court premises or otherwise if the opposite party no.2 herself wishes not to file affidavit or live alone then in that case the bail order shall remain intact.

9. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J)

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