

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54890 of 2023

Arising Out of PS. Case No.-1444 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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KAJI IFTEKHAR, SON OF LATE KAJI MUSTAQUE RESIDENT OF
VILLAGE- PURANGANJ, PS- BAISI, DISTT- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NISHAT ANJUM DAUGHTER OF WAZIR RESIDENT OF VILLAGE-
PURANGANJ, PS- BAISI, DISTT- PURNEA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate.

For the Opposite Party/s : Mrs.Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Amit Kumar Anand, learned counsel

 appearing on behalf of the petitioner and Mrs. Sharda Kumari,

 learned APP for the State.

 2. The petitioner seeks pre-arrest bail in connection

 with Complaint Case No. 1444 of 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 parties who are husband and wife.

 4. This court made a query from learned counsels

 appearing on behalf of the parties that whether the complainant

 is ready to live along with the petitioner in light of the specific



statement made by the petitioner in Para-13 of the bail application. The complainant is ready to live along with the petitioner subject to the condition that petitioner fulfills all her physical and financial desire as and when she demands for living a comfortable life and keeps her with fulfill dignity and honour.

5. Considering the above submission made on behalf of the parties, both the parties are directed to file a joint affidavit before the court below to the effect that the parties have agreed to live together and petitioner must give specific statement in the said joint affidavit that he undertakes to fulfill all physical as well as financial requirements of the complainant so that she can lead a dignified life without any interference of any of the family members of the petitioner.

6. If such affidavit is filed within a period of four weeks, petitioner, above named, is directed to be released on **Provisional bail**, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Complaint Case No. 1444 of 2022, subject to the condition as



laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that provisional bail shall continue till four weeks from the date of passing of this order to enable him to file joint affidavit. In case, the petitioner is not able to persuade the complainant, in that case, the court below must proceed to mediate between the parties and see that the parties resolve their dispute amicably and lead a happy matrimonial life. The court below is at liberty to extend the time required for the said purpose taking into consideration that the court should strive for amicable settlement of matrimonial dispute between the husband and the wife till last. In case parties starts living together the provisional bail shall be made absolute on such terms and conditions as the Court below finds it fit and proper.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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