

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57231 of 2022

Arising Out of PS. Case No.-599 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. FAROOQUE, S/o Shaukat Ali Resident of village- Tonga Sakreli, P.S.-
Barari, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. HASINA BANU W/o Md. Farooque D/o Sikandar Ali Resident of village-
Tonga Sakreli, P.S.- Barari, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-04-2023 Heard Mr. Bimal Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Sanjay Kumar, learned APP
appearing on behalf of the State and learned counsel appearing
on behalf of the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 599 of 2021 registered for the
offences punishable under Section 498(A) of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

3. Mr. Bimal Kumar, learned counsel appearing on
behalf of the petitioner submitted that the petitioner is ready to
keep his wife with full dignity and honour.

4. Learned APP for the State has vehemently opposed
the prayer for grant of pre-arrest bail to the petitioner. He



submitted that the matter relates to matrimonial dispute between the husband and the wife and the petitioner has agreed to live along with his wife and he will provide her all physical and economical need. Considering the nature of allegation made against the petitioner, it would be proper that the petitioner be directed to approach his wife for leading a happy matrimonial life.

5. Considering the rival submissions made by the parties and the fact that the petitioner is ready to lead a happy matrimonial life, it would be proper to direct the petitioner to seek protection from the Superintendent of Police, Katihar, who will provide him proper protection to enable him to visit his matrimonial home where his wife (opposite party no.2) resides along with her parents. The police official deputed along with the petitioner must ensure that the parents of the opposite party no.2 don't cause any hindrance in allowing her daughter who is wife of the petitioner to accompany the petitioner so that they can lead a happy matrimonial life without any interference of the parents of the either side.

6. The Superintendent of Police, Katihar is further directed to depute a female police officer not below the rank of the Dy. S.P. to hold a meeting with the husband and wife within



two weeks and if it is found that the couple are ready to live together without any complaint, such report must be furnished before the Sub-Divisional Judicial Magistrate, Katihar who will grant provisional bail to the petitioner and thereafter he is required to see the conduct of the either parties for a period of one year and if he finds that for any minor reason there is difference then he should strive to reconcile the matrimonial dispute between the husband and the wife and if it is found that no complaint is made by the either parties during the aforesaid period, the provisional bail granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Let a copy of this order be communicated to the Senior Superintendent of Police, Katihar.

8. With the aforesaid observation and direction, the bail application stands disposed of.

(Purnendu Singh, J)

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