

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60853 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

MD. EJAZ Son of Md. Azizur Rahman Mohalla - Banaulya, P.O. and P.S.-
Sultanganj, District - Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saiya Parveen Daughter of Mohammad Yunus W/o Mohammad Ejaz, R/o
Mohalla - Quasim Colony Dargah Road, P.S.- Sultanganj, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohammad Minnatullah, Advocate
For the O.P. No.2	:	Mr. Shahid Akhtar, Advocate
For the State	:	Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2023 Heard Mr. Mohammad Minnatullay, learned counsel
appearing on behalf of the petitioner, Mr. Shahid Akhtar, learned
counsel appearing on behalf of the opposite party no. 2 and Mr.
Arvind Kumar Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 375(C)/ 2021 registered for the
offence punishable under Sections 498(A), 325, 34 of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the
petitioner submitted that he has received instruction that the
petitioner is ready to live in a separate accommodation/ house
along with the opposite party no. 2, who is his legally wedded



wife. Only objection which the petitioner has raised is that the family members including the father, mother, brother-in-law and sister-in-law of the opposite party no. 2 must not visit the dwelling house to strain the relationship between husband and wife that is petitioner and opposite party no. 2.

4. Learned counsel appearing on behalf of the opposite party no. 2 informs this Court that she is ready to live along with the petitioner subject to the condition that any of the family members including old age mother of the petitioner should not reside in the dwelling house as they have also tried to strain the relationship between them.

5. Considering the rival submission and the condition on which both the parties are ready to live together, this Court directs the petitioner to be released on provisional bail for one year. In case the opposite party no. 2 does not make any allegation then in that case the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as fixed by the Court below and conditions as laid down under Section 438(2) of the Cr.P.C.

6. The petitioner has assured to arrange separate accommodation within three weeks in Patna as per his desire he is required to inform the Superintendent of Police, Patna that he



is ready to live along with the opposite party no. 2, who is his legally wedded wife in a separate accommodation.

7. The Superintendent of Police, Patna is directed to obtain the Aadhaar Card and telephone/ mobile phone number of the petitioner. He must ascertain the fact that the petitioner has arranged a separate accommodation. The Superintendent of Police may direct the local S.H.O. to visit the house of the petitioner to verify the well-being of the couple.

8. In case, the petitioner does not abide by his undertaking and any condition as imposed in the present order, the provisional bail granted to the petitioner will loose its force.

9. In case, no complaint is made by the O.P. No. 2 for at least one year, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as fixed by the Court below and conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J)

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