

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66418 of 2023**

Arising Out of PS. Case No.-174 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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MD. HIRA KURESHI SON OF NASIR KHURASHI RESIDENT OF
VILLAGE AUNSHI MITHILA TOL PS BISFI DISTRICT MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAHJADI KHATOON WIFE OF MD. HIRA KURESHI, D/O MD.
GUMMAN VILLAGE- KATHAILA, PS- BISFI, DIST- MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate.

For the Opposite Party/s: Mr. Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Shailendra Kumar Jha, learned counsel

appearing on behalf of the petitioner and Mr. Akbar Ali, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with C.R. Case No. 174 of 2017 registered for the offence
punishable under Sections 313, 323, 494, 307, 498(A), 371 and
504/34 of the Indian Penal Code.

3. Allegation against the petitioner is to have assaulted
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 he has made specific statement in Paragraph No. 8 of the petition that the petitioner is ready to keep opposite party no.2 with full dignity and honour and he will also satisfy her physical desire and support her by meeting all her expenses.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. District Court is directed to issue notice to the informant / complainant to appear before the court by fixing any date of hearing, not beyond a period of six weeks, from the date of passing of this order and seek her desire as to whether she is willing to live along with the petitioner or not. In case, she is ready to live with the petitioner and taking into account the undertaking given by the petitioner in Para-8 of the bail application that he is ready to keep the opposite party no.2 with full dignity and honour and he will also satisfy her all physical need and monetary requirement, petitioner 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 A.C.J.M., Benipatti, Madhubani in connection with C.R. Case No. 174 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The provisional bail granted to the petitioner shall be confirmed after observing the conduct of both the parties. In case any of the parties complains before the court, then in that case, they are at liberty to avail remedy in accordance with law. In case the parties have resolved their dispute amicably and they reside happily with each other, in that case, provisional bail granted to the petitioner shall be confirmed after a period of one year.

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

(Purnendu Singh, J)

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