

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60663 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Saood Alam @ Saood Alam S/O Md. Manzoor R/V- Bhataura, P.S.-
Bisfi, Distt-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Praveen W/o Md. Saood Alam D/o Abdul Salam @ Sabrati, R/V-
Parsauni, P.S.- Bisfi, Distt- Madhubani.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 29-04-2023 Heard Mr. Shailendra Kumar Jha, learned counsel

appearing on behalf of the petitioner and Mr. Mohammed Arif,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with C.R. Case No. 198 of 2021 registered for the offence
punishable under Sections 323, 341, 379, 504, 494, 506 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

3. The present case relates to matrimonial dispute
between the petitioner and the opposite party no.2 who are
husband and wife.

4. Learned counsel appearing on behalf of the



petitioner informs this Court that the petitioner is ready to live along with opposite party no.2 and to that effect he has also made specific statement in Para-7 of the bail application.

5. Considering the fact that the parties are having strained matrimonial relationship and the readiness of the petitioner to keep the opposite party no.2 with full dignity and honour and he has also ensured that he will fulfill her physical desire as well as financial desire, prima facie, the petitioner has made out a case to be released on provisional bail.

6. The petitioner is directed to appear along with the opposite party no.2 before the court below and file an affidavit or joint affidavit to the effect that they are living together. The affidavit in manner prescribed is required to be filed within three weeks, till then no coercive steps.

7. In case no joint affidavit is filed, the interim protection granted to the petitioner will loose its force automatically.

8. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail **provisionally** on such terms and conditions as the court below deems it fit and proper.

9. Court below is directed to observe the conduct of



the petitioner for a period of one year and if no complaint is made by the opposite party no.2, the provisional bail granted to the petitioner shall be confirmed subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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