

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60431 of 2022

Arising Out of PS. Case No.-1742 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Md. Irshad Kuraishi S/O Ramjan Kuraishi R/O Mohalla- Chikpatti Christian
Quarter, P.S.- Bettiah Town, Distt- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arzoo Praween D/o Jugnu Kuraishi R/V- Nakchhed Tola, P.S.- Motihari
Town, Distt- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-05-2023 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioner and Ms. Sangeeta Sharma,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Trial No. 2565 of 2022 arising out of Complaint Case No.
C-1742 of 2021 registered under Sections 323, 498(A) and 406/
34 of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

3. It is alleged in the complaint that petitioner had
subjected the Opposite Party No. 2 to various sorts of torture
due to non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been cheated and he



was not informed at the time of marriage that the opposite party no.2 has conceived a fetus of 19 weeks 4 days and it has become difficult for him to live along with the opposite party no.2.

5. Learned counsel appearing on behalf of the Opposite Party No. 2 submits that the allegation made by the complainant is only of torture and demand of dowry, but by making such sweeping allegation in Para-7 of the present bail application against the complainant, the petitioner has tarnished the image and character of the opposite party no.2. The conduct of the petitioner is such it will be difficult for opposite party no.2 to live along with the petitioner. However, in spite of the fact that such allegation has been made against the opposite party no.2, opposite party no.2 is ready to live along with the petitioner.

6. Having considered the rival submission of the parties, the parties may endeavor to reconcile. The petitioner must appear before the Court below within a period of three weeks and file an affidavit to the extent that he is ready to live along with the Opposite Party No. 2. In case Opposite Party No. 2 is not ready, then the Court below is directed to call upon the Opposite Party No. 2 to appear before Court below within the aforesaid period and if it is found that Opposite Party No. 2



willingly not want to live along with the petitioner, the petitioner, above named, in either of the case, is directed to be released on bail on such terms and conditions as the court below may deem it fit and proper and subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. If the parties wants to live along with each other, the Court should also strive to reconcile the strained matrimonial relationship between the husband and the wife.

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

(Purnendu Singh, J)

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