

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63663 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- COMPLAINT CASE District- Araria

Md. Mokim Son of Late Ibrahim @ Md. Ibrahim Resident of Village-
Sherlangha, Ward No.-4, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Najish W/o Md. Mokim, D/o Md. Masood Resident of Village- Denga,
Ward No.- 12, P.S.- Palasi, District- Araria.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2023 Heard Mr. Gopal Kumar Jha, learned Counsel

appearing on behalf of the petitioner and Mr. Lalan Kumar,

learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 193C of 2022 offences punishable
under Sections 379, 494, 498(A) and 34 of Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the
petitioner informs that he has received instruction that petitioner
is ready to live along with Opposite Party No.2 with full dignity
and honour and to that effect petitioner has also made statement
in paragraph No. 9 of the bail application. Learned counsel



further submits that petitioner has also informed that the allegation made against the petitioner that he has married with other lady is incorrect. However, if any lady claims to be second wife of the petitioner in that case he will not allow other lady to live in his house then the Opposite Party No.2 is ready to come back and live along with him.

4. Considering the fact that parties are having strained matrimonial relationship and petitioner is ready to keep the Opposite Party No. 2 with dignity and honour, the petitioner is directed to appear before the Court below along with Opposite Party No. 2 to file a joint affidavit that they are living together. The aforesaid affidavit is required to be filed within a period of three weeks, till then no coercive steps.

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

6. 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.

7. 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 tot he condition as laid down under Section 438(2) of the Cr.P.C.

8. With the above observation the present bail application is disposed of.

(Purnendu Singh, J)

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