

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61261 of 2022

Arising Out of PS. Case No.-1242 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Margoob Alam S/O Md. Mamnoon Alam @ Md. Mamnun @ Mamnun
Resident Of Village- Khatoli, P.S.- Angarh, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shahnaz Begum D/O Saidur Rahman, W/O Md. Margoob Alam Resident Of
Village- Tetalia, P.S.- Angarh, District- Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rupesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-04-2023 Heard Mr. Sanjeev Kumar Singh, learned counsel

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

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

2. The petitioner seeks regular bail in connection with

Complain Case No. 1242 of 2021, for the offence punishable

under Section 341, 323, 504, 506, 498(A)/34 of the the Indian

Penal Code.

3. The prosecution story, in brief, is that complainant

is the wife of the petitioner and the allegation is of torture and

demand of dowry. The couple are having two daughters. There

are strained relationship between the parties.

4. Learned counsel appearing on behalf of petitioner

submitted that petitioner who is the husband of the Opposite



Party No. 2 is ready to lead a happy matrimonial life and he will keep his wife with full dignity and honour and he will also satisfy the physical as well as financial needs of the Opposite Party No. 2.

5. Mr. Rupesh Kumar, learned counsel appearing on behalf of the Opposite Party No. 2 informs this Court that complainant is ready to live along with her husband, who is the petitioner of this case along with two children.

6. Considering the willingness of the parties and the fact that the petitioner and Opposite Party No. 2 being husband and wife are having strained relationship and they are ready for some sort of mutual settlement, it would be in the interest of the couple to direct the petitioner to be released on pre-arrest bail provisionally so that the couple may arrive at any mutual agreement.

7. The petitioner is directed to be released on pre-arrest bail provisionally on such terms and conditions as the Court below deems fit and proper.

8. The respective parties who are husband and wife must inform the Court regarding their respective desire by filing affidavit before the Court below. If the parties agrees to reconcile their matrimonial dispute or if they want to be



separated, they may avail appropriate remedy in accordance with law, in either case, the Court below is directed to confirm the provisional pre-arrest bail granted to the petitioner as per the condition as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

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