

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72371 of 2022

Arising Out of PS. Case No.-1037 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

MD. MATIN Son of Md. Kashim Resident of Village- Pakariya, Ward No.-16,
P.S.- Kasba, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nazbin Resident of Village- Pakariya, P.S.- Kasba, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijendra Kumar Singh, Advocate
For the informant	:	Mr. Manish Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1037 of 2022, for the offence
punishable under Section 498(A) of the Indian Penal Code.

3. The present case relates to matrimonial dispute
between the petitioner and the complainant, who are husband
and wife.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is ready to live with the
complainant and to that effect he has also made specific
statement in para-11 of the bail application that he will keep her
with full dignity and honour.



5. Considering the fact that the parties are having strained matrimonial relationship, the petitioner is now ready to keep the complainant with full dignity and honour and he will also ensure her physical desire as well as financial needs, the petitioner and the complainant are directed to appear before the learned court below by filing a joint affidavit to the effect that they are living together. The aforesaid affidavit is required to be filed within a period of six weeks, till then no coercive step shall be taken against the petitioner in connection with Complaint Case No. 1037 of 2022, pending in the Court of learned J.M. 1st Class, Purnea.

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 learned Court below deems it fit and proper.

7. In case the parties disagree to live together, the Court below will strive to reconcile the matrimonial dispute between the parties by referring the matter before the District Mediation Centre till then the petitioner is directed to be released on provisional bail till the report of the District Mediation Centre reported to the concerned Court. After report is submitted and parties reconcile or agrees to live separately



one the basis of terms and conditions of the agreement the learned 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 complainant, 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.

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

(Purnendu Singh, J)

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