

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63353 of 2022

Arising Out of PS. Case No.-1508 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Naushad Gaddi, Son of Bhulai Gaddi R/V- Bhogari, P.S- Majhauriya, Dist-
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Khatoon Wife of Naushad Gaddi, D/o Ishrafil Gaddi R/V-
Bhogari, P.S- Majhauriya, Distt- West Champaran. At present Shabnam
Khatoon, D/o Ishrafil Gaddi, R/V- Bathana, P.S- Majhauriya, Dist- West
Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2023 Heard Mr. Ram Adya Singh, learned counsel

appearing on behalf of the petitioner and Mr. Md. Ataur

Rahman, learned A.P.P. for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1508(c) of 2017, for the offence
punishable under Sections 323, 498(A) of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

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-8 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. 1508(c) of 2017, pending in the Court of learned S.D.J.M., Bettiah, West Champaran.

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.

8. 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.

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

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

