

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63881 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- GOGRI District- Khagaria

Md. Saiyad Imam @ Md. Saiyad Imam Ansari Son Of Md. Abbas Ansari R/O
Village- Satanpur, P.S.- Ujiarpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saijiya Khatoon Wife of Md. Saiyad Imam @ Md. Saiyad Imam Ansari, D/o
Md. Mokhtar Alam R/o Village- Gogri Ward No.03, P.S.- Gogri, District-
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan
For the Opposite Party/s : Mr.Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2023 Heard Mr. Choudhary Shyam Nandan, learned
counsel appearing on behalf of the petitioner and Mr. Arun
Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Gogri P.S. Case No. 367 of 2021 registered for the offence
punishable under Section 498(A) of the Indian Penal Code and
Sections 3 and 4 of the Dowry Prohibition Act.

3. Prosecution story, in brief, is that the informant was
forced to lodge the F.I.R. against the petitioner who is her
husband because he misbehaved with her and also assaulted her
due to non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner has made specific statement in para-9 and 10 of the bail application that he is ready to live along with the opposite party no.2.

5. Mr. Gyan Prakash, learned counsel appearing on behalf of the opposite party no.2 submits that the petitioner is married to some other lady and it has become difficult for the opposite party no.2, in such a situation, to enter into matrimonial home of the petitioner. He submits that on any condition, opposite party no.2 is not ready to live with the petitioner who is of bad character.

6. Considering the nature of allegation and the relationship of the parties which has strained and the opposite party no.2 is not ready to live along with the petitioner because allegedly he has married with some other lady, it will not be in the interest of justice of both the parties to arrive at any settlement. The only recourse left to the parties are to avail legal remedies in accordance with law. The opposite party no.2 can claim her right in accordance with law in the property of the petitioner.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 367 of 2021, **subject to the condition that the petitioner will not avoid any of the proceeding in which he has been made party by the opposite party no.2** and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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