

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64973 of 2022

Arising Out of PS. Case No.-1105 Year-2019 Thana- BUXAR COMPLAINT CASE District-
Buxar

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MD. SHAMIM ANSARI @ SHAMIM S/O KAYUM ANSARI Resident of
village- Nathuni ka Bag Dumraon P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. JULISTA PARVIN W/O SHAMIM ANSARI Resident of village- Nai Bazar
Buxar P.S.- Buxar Town District- Buxar. At present Late Manbahal Rawat
Ki Gali Ward No- 8, Dumraon, P.S.- Dumraon, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1105 of 2019, registered under
Sections 323, 498(A) of the Indian Penal Code.

The O.P. No.2 due to strained relationship and
petitioner having tortured and ousted her from matrimonial
house lodged a complaint against the petitioner and other co-
accused.

Learned counsel appearing on behalf of the
petitioner submitted that petitioner is ready to keep the
complainant full dignity and honour and he has received



instruction from the petitioner that he is ready to live with the O.P. No.2 in a separate rental house without interference of any of his family members.

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. 1105 (c) of 2019, pending in the Court of learned J.M. 1st Class, Buxar.

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.

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 on 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.

The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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