

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70060 of 2023

Arising Out of PS. Case No.-3427 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Md. Asgar Son of Late Mohammad Khalil Ansari Resident of Village- Anar Kothi, PO- Sidhauri, PS- Ashok Paper Mill, Distt- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samirun Khatoon Wife of Md. Asgar D/O Md. Ibrahim, Resident Of Village- Anar Kothi, Po- Sidhauri, PS- Ashok Paper Mill, Distt- Darbhanga At Present D/O Md Ibrahim, Resident of Village- Ghoshrama Bharathi Tole, Post- Ghoshrama, PS- Piyar, Distt- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 01-11-2023 Heard Mr. Vikas Kumar Jha, learned counsel appearing on behalf of the petitioner and Ms. Asha Kumari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Muzaffarpur Complaint Case No. 3427 of 2022 registered for the offence punishable under Sections 323, 379, 504 & 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The present case relates to matrimonial dispute between the petitioner and the opposite party no.2, who are husband and wife respectively.

4. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner is ready to live with Opposite Party No.2 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. Learned counsel further submits that in paragraph no.9 of the application, the petitioner has submitted that he has filed Matrimonial Case No.30/2023 for restitution of conjugal rights.

5. Considering the fact that the parties are having strained matrimonial relationship, the petitioner is now ready to keep Opposite Party No.2 with full dignity and honour and he will also ensure her physical desire as well as financial needs, the petitioner and the Opposite Party No.2 are directed to appear before the learned court below by filing a joint affidavit within a period of three weeks to the effect that they are living together.

6. If such joint affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail **provisionally** in connection with Muzaffarpur Complaint Case No.3427 of 2022, on such terms and conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 Opposite Party No.2, the provisional bail granted to the petitioner shall be confirmed subject to condition as laid down under Section 438(2) of the Cr.P.C.



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

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(Purnendu Singh, J)

