

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75402 of 2023

Arising Out of PS. Case No.-1606 Year-2022 Thana- COMPLAINT CASE District- Araria

Mantaz @ Md. Mumtaz Son Of Late Hadish Resident Of Village- Bathnaha
Ward No 13 PS -Jogbani (Bathnaha) Distt -Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sitara Khatoon Daughter Of Ahmad Resident Of Village- Pipraghat Tappu Tola, PS- Jogbani, Distt- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Vijay Kishore Bharti, learned counsel

 appearing on behalf of the petitioner and Mr. Mukesh Kumar

 Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No.1606 C of 2022 registered for the
offence punishable under Section 323, 498(A) of the Indian
Penal Code.

3. Allegation against the petitioner and his family
members is to have tortured and assaulted the opposite party
no.2 for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submits that due to strained matrimonial relationship

between the petitioner and opposite party no.2, who is legally wedded wife of the petitioner, the present complaint has been filed. Learned counsel further submits that petitioner is ready to keep opposite party no.2 with full dignity and honour and he will also satisfy her physical desire and support her by meeting all her expenses.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned District Court is directed to issue notice to the informant / complainant to appear before the court by fixing any date of hearing, not beyond a period of six weeks, from the date of passing of this order and seek her desire, as to whether, she is willing to live along with the petitioner or not. In case, she is ready to live with the petitioner and taking into account that the petitioner is ready to keep the opposite party no.2 with full dignity and honour and he will also satisfy her all physical need and monetary requirement, petitioner is directed to be released on **provisional 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 Judicial Magistrate- Ist Class, Araria in

connection with Complaint Case No.1606 C of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The provisional bail granted to the petitioner shall be confirmed after observing the conduct of both the parties. In case any of the parties complains before the court particularly when O.P. No.2 do not desire to live together, then in that case, they are at liberty to avail remedy in accordance with law. The petitioner in that case will be released on bail. In case, the parties have resolved their dispute amicably and they reside happily with each other, in that case, provisional bail granted to the petitioner shall be confirmed after a period of one year.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J.)

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