

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75282 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- CHANDRADIP District- Jamui

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Md. Arsad S/O Late Md. Kalim R/O Village- Adha, P.S.- Chandradip,
District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nemat Firdaus W/O Md. Arsad R/O Village- Chandradip, District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Niranjan Parihar, learned counsel

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

Haque Sahara, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chandradip P.S. Case No. 04/2023 registered for the
offence punishable under Sections 341, 323, 307, 498(A)/34 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

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 Additional Chief Judicial Magistrate-Ist,

Jamui in connection with Chandradip P.S. Case No. 04/2023
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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