

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9155 of 2024

Arising Out of PS. Case No.-1154 Year-2023 Thana- COMPLAINT CASE District- Araria

Md. Afroz son of Md. Muiuddin Village- Koskapur North W.No-9, Ps-
Raniganj Dist- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sulekha Khatoon D/o- Md. Rajjak, Wife of Md. Afroz village-
Koskapur North W.No-9, Ps- Raniganj Dist- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Mukesh Kumar Rana, learned counsel

appearing on behalf of the petitioner and Mr. Nawal Kishore

Prasad, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Complaint Case No.1154 of 2023 registered for the offences

punishable under Section 498(A)/34 of the Indian Penal Code.

3. The present case relates to matrimonial dispute

between the petitioner and Opposite Party No.2, who are

husband and wife respectively. In Complaint Case No.1154 of

2023 filed by Opposite Party No.2, allegations of cruelty,

causing hurt and wrongful restraint for non-fulfillment of dowry

have been alleged against the petitioner and other in-laws of the

complainant.

4. Learned counsel appearing on behalf of the petitioner who is the husband of the Opposite No.2 submitted that the allegations against the petitioner are general and omnibus. He further submitted that the petitioner has no criminal antecedents and is ready to live along with Opposite Party No.2, endeavoring to fulfill all her financial, as well as, physical desire and also he will keep her with full care, respect and dignity.

5. Learned APP appearing on behalf of the State has submitted that the dispute between the husband and wife being matrimonial dispute, can be resolved amicably between the parties.

6. Heard the parties.

7. The question arises in the present bail application, as to whether, when the parties have shown their willingness that they want to resolve their dispute and lead a happy conjugal life, at an interlocutory stage, can pre-arrest bail be granted? This Court, considering the law laid by the Apex Court in the case of *K. Srinivas Rao vs. D.A. Deepa, (2013) 5 SSC 226*, has passed a detailed order in the case of *Vipin Kumar Versus the State of Bihar & Anr. (Cr. Misc. No.9176 of 2024)*, vide order

dated 20.02.2024, granting anticipatory bail on the similar facts, where the parties have shown their willingness to live together.

8. Considering the rival submissions made on behalf of the parties, the allegation made in the complaint, totality of the circumstances and the fact reveals that a general and omnibus allegation has been made against the petitioner and applying the observations made in *Vipin Kumar (Supra)*, particularly considering that the parties are willing to settle their dispute amicably and the petitioner has no criminal antecedent and custodial interrogation is not necessary, I am of the opinion that the petitioner has made out a *prima facie* case to be released on anticipatory bail.

9. The District Court is directed to release the petitioner, above-named, on pre-arrest bail, in the event of his arrest or surrender before the learned 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-1st Class, Araria/concerned court in connection with Complaint Case No.1154 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

10. In case of failure to live together, the parties may

take steps to resolve their matrimonial dispute in an amicable manner. If required, they may file an application before the learned district court for referring the matter to the concerned District Mediation Center.

11. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J.)

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