

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42289 of 2023

Arising Out of PS. Case No.-702 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

Chandu Mohammad Son of Md. Alam Resident of village - Chackmehsi P.S. -
Chackmehsi, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Khatun Wife of Chandu Mohammad, D/o Ashik Resident of village - Hathauri, P.S. - Hayaghat, Distt. - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Baidya Nath Prasad, Advocate
For the State	:	Mr.Ganesh Prasad Singh, APP
For the O.P. No.2	:	Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-10-2024 1. Heard Mr. Baidya Nath Prasad, learned counsel
for the petitioner, Mr. Sandeep Kumar , learned counsel for the
O.P. No.2 and Mr. Ganesh Prasad Singh, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with C.R Case No. 702 of 2022 or T.R. No. 1234 of 2022
registered for the offence(s) punishable under Section(s) 147,
149, 323, 341, 354, 354B, 498A of the Indian Penal Code and
Section 3/4 of the D.P. Act but the cognizance has been taken
under Section 498A of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is some



mentally weak person while his wife has got government job due to this reason she herself does not want to lead a conjugal relationship with him however the petitioner is still ready to keep his wife and before the trial court the conciliation attempts have been made but the same resulted without any fruitful outcome.

4. On the other hand, learned APP for the State as well as learned counsel for the O.P. No. 2 has vehemently opposed the bail prayer of the petitioner and submitted that though the trial court has attempted conciliation, however, further efforts can still be made to reconcile both the spouses.

5. Heard both the sides and perused the relevant materials. The complainant, O.P. No.2, has stated before the trial court while recording her statement that the behaviour of the petitioner is less teaseable than her in-laws. Before the trial court, conciliation attempts have been made which ended with the finding that neither party was willing to reconcile. There is no any medical evidence regarding the alleged physical cruelty. Considering all these aspects as well as above submissions, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below



within a period of six weeks from today, be released on anticipatory bail in connection with C.R Case No. 702 of 2022 or T.R. No. 1234 of 2022 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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