

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81855 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- CHHAURADANO District- East
Champaran

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IRFAN ALAM @ MD. IRFAN ALAM S/O SK. JAUWAD @ JAUWAD
HUSSAIN RESIDENT OF VILLAGE- PURUSHOTTAMPUR, PS.
CHHAURADANO, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAJBOON NESHA W/O FARMUD ALAM R/O VILLAGE AND POST-
SEMARAHYA, PS. CHHAURADANO, DIST. EAST CHAMPARAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Md. Anzarul Haque Sahara, A.P.P.
For the O.P. No. 2	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 18-04-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 498(A), 448, 427, 379, 504 and 34 of the Indian Penal
Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
dispute is matrimonial and has been amicably resolved. It is
further submitted that petitioner and the victim, who is daughter
of the opposite party no. 2 and wife of the petitioner, are leading
a peaceful conjugal life. It is next submitted that the daughter of



the opposite party no. 2 presently is staying with the petitioner at her matrimonial home.

4. Learned counsel appearing on behalf of the opposite party no. 2 submits that opposite party no. 2 is not aware whether her daughter is leading a peaceful conjugal life with the petitioner or not as she has not met her and is not being allowed to meet her.

5. Learned counsel for the petitioner, at this stage, submits that the victim Sagufta Noori is even willing to file an affidavit to the effect before the learned trial court that she is leading a peaceful conjugal life with the petitioner and shall also appear with the petitioner at the time of filing of the bail bonds.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhauradano P.S. Case No. 183 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify from Sagufta Noori that as to whether she is staying with the petitioner or not and if Sagufta Noori testifies that she is leading a peaceful conjugal life with the petitioner in that event the bail bonds of the petitioner shall be accepted but if Sagufta Noori denies that she is leading a peaceful conjugal life with the petitioner or is not staying with him in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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