

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.868 of 2024

Arising Out of PS. Case No.-568 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md Rizwan, aged about 35 years, Male, son of Md. Najir, resident of village-
Rupanpatti, P.S-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mumtaz Praveen W/o Md. Rizwan presently reside D/o Md. Murtuza, R/o
village-Nagarwasti Kila, P.S-Warishnagar, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Nachiketa Jha, learned counsel appearing

on behalf of the petitioner and Mr. Shahabuddin Azeem @ S.

Azeem, learned APP appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in in T. R. No.

3013 of 2022 arising out of Complaint Case No. 568 of 2020

registered for the offence(s) punishable under Section 498A of

the Indian Penal Code and Section 4 of the Dowry Prohibition

Act.

3. The present case relates to matrimonial dispute

between the petitioner and the opposite party no.2 who are

husband and wife. The allegation against the petitioner is of

assaulting 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 the opposite party no.2, who is legally wedded wife of the petitioner has filed the present case. Learned counsel further submits that the 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. Petitioner is directed to file an affidavit before the court below within four weeks to the effect that he is ready to live along with the opposite party no.2 and provide her physical, as well as, financial requirement and keep her with full dignity and honour.

6. The opposite party no.2 is also required to file affidavit if she desires to live with the petitioner and will resolve their strained matrimonial dispute.

7. Learned District Court is directed to issue notice to the opposite party no.2 within a period of three weeks directing her to file her personal affidavit, as to whether, she wants to live along with the petitioner, who is ready to keep her with full dignity and honour and will also satisfy her physical desire and



support her by meeting all her expenses.

8. In case affidavits are filed by the parties, the petitioner is directed to be released on provisional bail in the event of his surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Samastipur, in connection with T. R. No. 3013 of 2022 arising out of Complaint Case No. 568 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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 don't 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.

10. In case, opposite party no. 2 does not file any affidavit then in that case, considering the fact that petitioner has made a specific statement in paragraph no. 8 of the bail



application that petitioner has filed restitution petition before the Family Court, Muzaffarpur, petitioner shall be released on bail.

11. With the aforesaid observation/direction, the bail application stands disposed off.

(Purnendu Singh, J)

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