

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78014 of 2024

Arising Out of PS. Case No.-2136 Year-2023 Thana- COMPLAINT CASE District- Araria

Md. Intakhab @ Md. Intkhab Son of Md. Afak @ Late Afak village- Jhamta,
Ward no. 01, Bansbari, Ps- Tarabari, Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Nusrat wife of Md. Intakhab @ Md. Intkhab village- Bangama,
Ward no. 2, Ps- Araria, Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Naushaduzzoha

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-05-2025 Heard learned Advocate for the petitioner, learned

Additional Public Prosecutor for the State and the learned

Advocate for the opposite party no. 2.

2. The petitioner happens to be husband of the
opposite party o. 2 is apprehending his arrest in connection with
Complaint Case No. 2136C of 2023 registered for the offences
punishable under Sections 323, 498A of the Indian Penal Code.

3. The marriage was solemnized between the parties
on 14.02.2021, Allegedly, despite sufficient dowry extended at
the time of marriage, lust of the accused persons did not satisfy
and the opposite party no. 2 was subjected to torture on various
ways, leading to lodging of the complaint.



4. Learned Advocate for the petitioner submitted that the couple has been blessed with a baby girl and the petitioner has always been ready to keep the opposite party no. 2 with all comfort. Taking note of the aforesaid facts, the matter was placed before the Patna High Court Mediation Centre with the consent of the parties. However, dispute between the parties could not be settled through the process of mediation. It is the contention of the petitioner that the opposite party no. 2 refused to live with the petitioner.

5. Learned Advocate for the opposite party no. 2 refuted the aforesaid contention and submitted that the opposite party no. 2 was subjected to severe torture and on account of this reason, she is unable to reside in her matrimonial home.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is husband and despite the efforts taken by the learned Mediator, the dispute could not be resolved, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Araria in connection with Complaint Case No. 2136C of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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