

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86677 of 2024

Arising Out of PS. Case No.-711 Year-2024 Thana- COMPLAINT CASE District- Banka

Md. Mojamil S/O Md. Jamil R/O Village- Porain, P.S- Bounsi, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakina W/O Md. Mojamil R/O Village- Porain, P.S- Bounsi, Distt.- Banka.
At present daughter of Md. Gaffar, Resident of Village- Terahmail
Jawaychak, P.S- Rajoun, Distt.- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandan Prasad, Advocate
For the Complainant	:	Mr.Navnit Prabhakar, Advocate
For the Opposite Party/s	:	Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2025 Heard learned counsel appearing on behalf of the

petitioner, learned counsel for the complainant and the learned

APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Complaint Case No.711 of 2024, registered for the offences

punishable under Sections 341, 323, 498(A), 504 and 506 of the

Indian Penal Code .

3. As per the allegation made in the complaint

petition, the petitioner has solemnized another marriage with

another woman due to non-fulfilment of demand of dowry of

Rs. 1 lac and other articles.

4. Learned counsel appearing on behalf of the



petitioner admitted that the petitioner has solemnized another marriage and he is living happily with his second wife. Learned counsel further submitted that the the complainant on her own will has left her matrimonial house along with her infant child aged about two years. The petitioner loves his child and he is ready to take responsibility of his child to grow him so that he can become a good citizen.

5. Mr. Navnit Prabhakar, learned counsel has tendered his appearance on behalf of the complainant and he informs that since the complainant could not fulfil the demand of dowry, she was subjected to torture mentally and physically and the petitioner also ill-treated with little son and she was forced to leave her matrimonial house to save her own life, as well as, the life of her small child.

6. At this stage, learned counsel appearing on behalf of the petitioner informs that the petitioner has given instruction that he is ready to keep the complainant with full dignity and owner and he will also support her financially to grow her child and the allegation that the petitioner can kill his child is totally false. Learned counsel further informs that the petitioner has assured that he will give the complainant a sum of Rs.5,000/- (Five Thousand) per month for growing her child.



7. I appreciate the intention and the desire of the petitioner, who has readily given instruction to the learned counsel that he will incur every month a sum of Rs.5,000/- to grow his infant child and he will also see that when the boy becomes ill, he will take proper care of him and he will also incur the entire amount of his treatment. The said amount (Rs.5,000/-) will be transferred into the Account of the complainant every month.

8. Both the parties have jointly informed that they will try to settle their dispute amicably so that they can live together and their small child may not suffer the love of both the parents.

9. I find that there is no reason not to grant pre-arrest bail to the petitioner.

10. Both the parties will re-reconcile their strained matrimonial relationship so that their small son may not suffer.

11. The provisional bail granted to the petitioner, vide order dated 03.01.2025, is made absolute on the terms and conditions as laid down under Section 438 (2) of Cr.P.C.

(Purnendu Singh, J)

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