

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43406 of 2014

Arising Out of PS.Case No. -160 Year- 2011 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Md. Rustam @ Md. Rustam Ali Son of Md. Mustak Khan Resident of
Mohalla-Indra Nagar, P.O.+P.S.-Parbatta, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 498 of the Indian Penal Code against the petitioner who is the husband, this Court would not be inclined to grant privilege of anticipatory bail specially when on an earlier occasion the words of the petitioner that he will treat his wife and keep her with due dignity was not honoured by him resulting into further lodging of this case.

Learned counsel for the petitioner however has submitted that it is the father of the complainant wife who is somehow disturbing the matrimonial life of the petitioner and does not want a peaceful conjugal life of the petitioner with his daughter. He has also submitted that if the presence of the father is

eliminated in the conciliation proceeding, the wife of the petitioner on her own is still prepared to live with the petitioner.

Considering all these aspects, this Court would direct the petitioner to surrender in the court below on 4.5.2015 on which day the complainant wife shall also remain present. The court below shall, thereafter, make an enquiry from the wife and the petitioner after removing the presence of her father (father-in-law of the petitioner) as to whether she would like to go with the petitioner and restore her conjugal life. In the event the wife of the petitioner is prepared to live with the petitioner, the court below shall grant provisional bail to the petitioner, namely, Md. Rustam @ Md. Rustam Ali for a period of two months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Complaint Case No. 160C of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., whereafter, the petitioner shall again surrender on completion of the period of two months and the court below will make enquiry from the wife and if on being reported that she was treated with due respect and dignity by the petitioner and/or his family members, such provisional bail shall again be extended but this time for a period of four months. On completion of a period of

four months of provisional bail, the husband of the petitioner shall again surrender and if the wife in the query of her past four months conveys her satisfaction that she was treated with due respect and dignity by the petitioner and his family members, the provisional bail would be confirmed.

(Mihir Kumar Jha, J)

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