

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48614 of 2014

Arising Out of PS.Case No. -2610 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Ashafaque @ Ashafaque, son of Yusuf Haque @ Md. Islam, resident
of village-Pipertalla Banliya, P.S. Manihari, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tanjera Khatoon, D/O Jaris Alam, resident of village-Balwa Tola, P.S.
Mansahi, District-Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 02-07-2015 Heard.

The petitioner, husband of the complainant and married to her only two years prior to the filing of the complaint petition, seeks an order under Section 438 Cr.P.C. in connection with Complaint Case No.2610 of 2013 presently pending before learned SDJM, Katihar.

The allegation against the petitioner was that after being married to the complainant, he started putting pressures upon her to bring additional dowry in the form of a motorcycle and a gold chain which demand was not fulfilled and, as such, she was firstly tortured and thereafter ousted from her matrimonial house.

Submission of the learned counsel appearing for the petitioner is that the allegations being false and concocted, he was

still ready to take the lady back to his family fold.

Let the petitioner surrender and pray for regular bail before the SDJM, Katihar in whose court the above noted complaint case for trial may be pending. The court below shall admit the petitioner to bail by accepting the bond provisionally and shall fix a date and issue a notice to the complainant on address appearing in the complaint petition for her appearance on that particular date. The factum of the issuance of notice may also be communicated to the counsel of the complainant who should be appearing in the trial court. The other step should be taken to ensure the service of the notice through the police station in whose jurisdiction the lady is presently residing.

On appearance of the parties before it, the court below shall strive to find out the reasons for the subversion of the marriage by talking jointly and individually to the spouses in his Chambers and should try to reconcile them to their already married status. If need be, adjournments may also be granted and the provisional acceptance of the bonds may be extended from time to time accordingly. If the matter is reconciled and parties decide to bury their hatchet, then the bond shall be confirmed. In case, the petitioner was found putting up stiff conditions which may not be acceptable to a reasonable person, then his bond shall

be cancelled and he shall be remanded to custody. Likewise, if the lady takes a difficult position and puts up some unreasonable conditions to accompany her husband, then in that case the bond shall be confirmed.

This petition stands disposed of in the above terms.

(Dharnidhar Jha, J)

B.Kr./- Saif.

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