

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32259 of 2014

Arising Out of PS.Case No. -476 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Md. Sanam Suraj @ Gabbar S/o Irfan Ali Resident of village- Ujaani,
P.O. AND P.S.- Nawagachhia, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarita Bajaj

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 05-05-2015 Petitioner along with his learned counsel appeared in person. So far as, complainant is concerned, her learned counsel informed that he has already given information to the complainant regarding the direction of this Court but he did not receive any instruction from the complainant.

It would appear from perusal of order dated 24.03.2015 that on the above stated date also the complainant failed to appear before this Court though, it had been informed on her behalf that she was suffering from ailment.

Petitioner being husband of the complainant apprehends his arrest in connection with Complaint Case no.476 of 2013 in which prima facie case under section 498A, 323, 120B,

406 of the Indian Penal Code and section 3 of Dowry prohibition Act has been found by the inquiry Magistrate.

Marriage of the petitioner was solemnized with complainant in the year 2009 but the complainant made allegation against the petitioner that he used to ill-treat her on account of non fulfillment of illegal demand of dowry and she was ousted from her matrimonial home.

The impugned order of learned Sessions Judge reveals that petitioner expressed his desire before the learned Session Judge to keep the complainant with full honour and dignity but the complainant refused to lead her conjugal life with the petitioner. Similarly, this Court on the prayer of the petitioner issued notice to the complainant so that the dispute of the parties could be resolved but the complainant did not choose to appear before this Court and the conduct of complainant reflects that she is not ready to get the dispute resolved.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Madhepura in Complaint Case No. 476 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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