

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45321 of 2014

Arising Out of PS.Case No. -59 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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Md. Rauf Son of Md. Hussaini Resident of Village-Churaili, P.S.-Banka,
District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sahina Daughter of Md. Nejam Resident of Village-Kharihara,
P.S.-Barahat, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 29-06-2015

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A of the Indian Penal Code and 4 of Dowry
Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand.

Notices were issued to the complainant-opposite party no. 2 vide order dated 23.12.2014 but in spite of valid service of notice O.P. No. 2 did not appear as a result vide order dated 27.04.2015 the matter was adjourned for today as a last indulgence. Today also the petitioner is present. However, none appears on behalf of O.P. No. 2.

Though the accusation of torture has been levelled after 14 years of the marriage and the complainant has admitted in the complaint petition that she was divorced by the petitioner through mobile on 04.01.2014. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Banka in connection with Complaint Case No. 59 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If any such application has been filed on

behalf of the complainant before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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