

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7890 of 2015

Arising Out of PS.Case No.-444 Year- 2014 Thana -TURKAULIYA District- EAST CHAMPARAN
(MOTIHARI)

Md. Salamuddin, son of Late Babu Dewan, resident of Village- Siswa,
Shahbad Tola, P.S.- Banjariya, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Reshma Khatoon, daughter of Late Najir Ali, resident of Village- Bajar
Simiti Banjariya Pandal Motihari, P.S.- Banjariya, District- East Champaran

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

8 12-08-2015

Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.
2.

The petitioner seeks anticipatory bail in connection
with Turkauliya (Banjaria) P.S. Case No. 444 of 2014 registered
under Sections 323, 324, 307, 406, 498-A of the Indian Penal
Code, 3 & 4 of the Dowry Prohibition Act.

It is contended that the allegations made in the FIR
are absolutely false. The petitioner has neither demanded dowry



nor did he subject the informant to cruelty in any manner whatsoever, but as it appears, due to matrimonial discord on account of family feud of daily life, and also due to frequent interference by the members of her family in such situation, gave rise to filing of the present case. It is further submitted that the ingredients of the offence punishable under Section 307 IPC are wanting in the present case.

Learned counsel for the opposite party no. 2 has opposed the prayer for bail. He submits that the petitioner is not allowing the informant to live in her matrimonial home with dignity and honour. He submits that despite steps having been taken by the Principal Judge, Family Court, Motihari in Matrimonial (Maintenance) Case No. 273 of 2014, the petitioner is not appearing before the Court.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today in the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia (Banjaria) P.S. Case No. 444 of 2014 subject to the

conditions as laid down under Section 438(2) Cr. P.C. as also on the condition that the petitioner shall give an undertaking on oath that he will appear before the learned Principal Judge, Family Court, Motihari in the aforesaid matrimonial case within two weeks from the date of furnishing of his bail bonds.



(Ashwani Kumar Singh, J.)

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