

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33749 of 2014

Arising Out of Complaint Case No. -1428 Year- 2013 District- MADHEPURA

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Md. Noushad son of Md. Nijam resident of Village - Tola Basaitha, Ward No. 5, Police Station - Chousa, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahjahan Khatoon D/o Late Md. Muslim w/o Md. Noushad, resident of Kabirtola Chanda, P.S.- Chousa, Post-Paina, Distt.-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

5 11-03-2015 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends arrest in a case for the offence punishable under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation against the petitioner is to have demanded one motor-cycle and due to non-fulfilment of demand of dowry the complainant has been tortured.

It is submitted that it appears from the order of the learned Sessions Judge itself that the complainant, Shahjahan Khatoon, does not want to live with the petitioner, who is her husband, although the petitioner is ready to keep her with full honour and dignity.

Notice was issued to opposite party no. 2 (complainant) but inspite of service of notice, she has not appeared.

Considering the facts and circumstances of this case, the interim anticipatory bail granted vide order dated 13.8.2014 is confirmed. The above-named petitioner will remain 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 S.D.J.M., Uda Kishunganj, Madhepura, in Complaint Case no. 1428/2013 subject to the conditions as laid down under Section 438(2) Cr. P. C. and also with the following conditions:

1. One of the bailors will be the close relative of the petitioner.
2. The petitioner will not indulge in similar or in any other offence.
3. The petitioner will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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