

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43356 of 2014

Arising Out of PS.Case No. -1948 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Mahtab Son of Md. Joha, Resident of Mohalla-Driver Tola, Katihar,
P.S. and District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rimmi Khatoon D/o Abul Mansoori, W/o Md. Matab Resident of
Mohalla-Driver Tola Katihar, P.S. and District-Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-04-2015 Heard learned counsel for the parties.

The petitioner facing prosecution for the offences punishable under Section-498A of the Indian Penal Code and Section-4 of the Dowry Prohibition Act has made this Court to believe that after rejection of his prayer for anticipatory bail by the Court below on 08.09.2014, as well as after filing of this writ application on 20.10.2014, has restored his relationship with the wife, Opposite Party No. 2 and now he is living with his wife, Opposite Party No. 2, who has got no complaint against the behaviour of the petitioner.



As all these facts are based on oral submission of learned counsel for the petitioner, the prayer for anticipatory bail of the petitioner is allowed subject to its verification by the Court below.

In that view of the matter, if the petitioner surrenders within a period of four weeks from today, he would be released on provisional bail for a period of three months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **S.D.J.M. Kaithar** in connection with **C.A. Case No. 1948 of 2012** on the following terms and conditions:-

(i) The petitioner shall surrender before the Court below within a period of four weeks along with his wife, Opposite Party No. 2, and if the Court below after making verification from the wife, Opposite Party No. 2, finds that she has been treated by the petitioner with all due care and dignity it will grant petitioner provisional bail for a period of three months.



(ii) The petitioner again after expiry of period of three month shall appear before the trial Court and the trial Court will make inquiry from wife, Opposite Party No. 2, as to whether she was subjected to any cruelty, mental or physical by her husband or his family members. In the event of an answer in affirmative by the wife of the petitioner the provisional bail of the petitioner shall be immediately cancelled and he shall be taken into custody. On the other hand if the wife of the petitioner makes no such complaint against the petitioner and/or her family members, the personal bail of the petitioner shall be confirmed.

(iii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) That the bailors shall also state on

affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(vi) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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