

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31411 of 2014

Arising Out of PS.Case No. -39 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Md. Qyamuddin @ Pintu, son of Late Alam, resident of village and P.S. Obra, district Aurangabad, Bihar Petitioner

Versus

1. The State of Bihar
 2. Nargesh Bano, wife of Md. Qyamuddin @ Pintu, daughter of Md. Anish, resident of village Near Old Post Office, Masijed Obra, P.S. Obra, district Aurangabad, at present village Magahiya Toli Mahadeo, P.S. Ara Town, district Bhojpur Opposite Parties
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Appearance :

For the Petitioner : Mr. Leelawati Kumari, Adv.
For the Opposite Party : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 21-01-2015 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 341, 323, 406, 498A and 504/34 of the Penal Code and 3 and 4 of the Dowry Prohibition Act.

There is allegation of demand and subjecting cruelty. The learned counsel for the petitioner submits that the petitioner is ready to keep the victim-wife with due dignity.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on **provisional anticipatory bail for four months** on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Bhojpur P.S. Case No. 39 of 2014** to the satisfaction of the **Chief Judicial Magistrate, Bhojpur at Ara**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

The Court, concerned, shall call the victim-wife and if the victim-wife is ready to go with the husband-petitioner and petitioner takes her and keeps her with due dignity, then, after four months, on being satisfied that both are living together, then, the trial Court shall confirm the provisional anticipatory bail or if the victim-wife, for any reason, not ready to live and files petition for right of residence against the husband-petitioner, then, the petitioner shall pay maintenance worth Rs.1200/- per month and the trial Court, on being satisfied that the maintenance is being paid, shall confirm the bail bond after four months.

(Gopal Prasad, J)

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