

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47013 of 2014

Arising Out of PS.Case No. -1371 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Sk. Aslam @ Md. Aslam, S/o Sk. Hajrat, Resident of Village Baida, P.S.
Amdabad, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chunni Khatoon D/o Noor Alam, W/o Sk. Aslam Resident of Naya Tola,
Gopalpur, P.S. Amdabad, District Katihar.

.... Opposite Party/s

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Appearance :

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

For the O.P./s : Mr. Anita Kumari Singh (App)

For the O.P. No. 2 : Mr. Raghvendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the parties as with regard to

the prayer for anticipatory bail of the petitioner under Section

498A of the Indian Penal Code as also Section 4 of the Dowry

Prohibition Act.

Learned counsel for the petitioner, at the outset, has
submitted that the petitioner is ready to keep his wife/complainant
with all respect and, in fact, he will never question the parentage
of his child, who, somehow at one point of time, was the main
bone of dispute. He has also submitted that though the efforts for
reconcilliation had failed in the court below but now the petitioner
wants the life to be restored peacefully and that is why he would
like to take his wife along with him provided, she would be ready

to live with the petitioner.

Fortunately, the complainant has also appeared before this Court through Mr. Raghvendra Kumar Singh, who has filed Vakalatnama on behalf of the complainant/O.P. No. 2. He has submitted that the wife/complainant is still ready to live with her husband, but it was the husband who was creating some sort of problems for her and the child out of marriage. He has also submitted that if the intention of the petitioner is honest, there would be no lack of response from the complainant/O.P. No. 2 in living their home with family members.

In the light of all these submissions, this Court would deem it expedient in the ends of justice to give one chance to the petitioner and, therefore, if the petitioner, namely, Sk. Aslam @ Md. Aslam would surrender on 18.05.2015, when his wife the O.P. No. 2 shall also remain present on the date of surrender of the petitioner. If the petitioner gives a written undertaking for taking his wife and the child together with him and the wife also shows her willingness to accompany the petitioner, he shall be released on provisional bail for a period of three months and on completion of period of three months, the petitioner will again surrender and his wife will again appear in person and if the court below finds that the O.P. No. 2 was not being coerced or treated badly by the

petitioner or his family members, the court below will confirm the provisional bail of the petitioner.

It is, however, made clear that any complaint of further ill-treatment is made by the O.P. No. 2 against her husband or family members would be automatically led to cancellation of bail of the petitioner and he will be taken into custody.

Subject to the aforementioned conditions as also the following conditions, the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate, Katihar, in connection with C.A. 1371 of 2013, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake 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.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) 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 his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course 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)

Sujit/-

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