

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30109 of 2015

Arising Out of PS.Case No. -162 Year- 2014 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Zayaul Haque @ Ziyaullah S/o SK Md. Jahir R/o Village Jhitakahiya,
P.S. Dhaka (Pachapakari O.P.), District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samashul haque S/o Late Abdul Wasir
3. Sanjida Khatoon W/o Zayaul Haque @ Ziyaullah R/o Village
Chandanwara, P.S. Dhaka, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the State : Mr. Nityanand Tiwary(App)
For O. P. No. 2 : Mr. Sunil Kumar No. III
Mr. Rakesh Kumar No. I

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

9 30-06-2016 The certified copy of the First Information Report
of Dhaka (Pachapakari) Police Station Case No. 162 of 2014
has been filed on behalf of the petitioner, let the same be
kept on record.

Heard learned Counsel for the petitioner,
learned Counsel appearing on behalf of the Opposite Party
No. 2 and learned Additional Public Prosecutor for the
State.

This application, for grant of anticipatory bail,
arises out of Dhaka (Pachapakari) Police Station Case No.

162 of 2014, disclosing offences under Sections 498A, 406, 307, 323, 364 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of the Opposite Party No. 3. The Opposite Party No. 2, who is father of Opposite Party No. 232, filed a complaint case alleging, inter alia, that his daughter was married to the petitioner nearly 7-8 years ago. Allegedly there was constant demand of dowry by her husband and the In-laws and torture for non-fulfillment of the same. It is also alleged that his daughter is missing for last few days.

Learned Counsel appearing on behalf of the petitioner has submitted that Opposite Party No. 3 has been in the habit of leaving her matrimonial house without notice, which fact has also come in course of investigation also. He has submitted that no material could be collected during the investigation, justifying implication of the petitioner in the present criminal case. He has further submitted that there is no likelihood that the petitioner would be fleeing from the course of investigation or trial, if granted privilege of anticipatory bail.

Learned Counsel appearing on behalf of the informant- Opposite Party No. 2 has opposed the prayer for anticipatory bail and has submitted that Opposite Party No.

3 is still traceless and, therefore, it is the responsibility of the petitioner to justify her disappearance.

Learned Additional Public Prosecutor appearing on behalf of the State of Bihar could not show from the case diary that there is any incriminating material against the petitioner; rather, the witnesses, in their examination by the Investigating Officer, appeared to have disclosed that the Opposite Party No. 3 had pick up quarrel with the mother of the petitioner and had left her matrimonial house in a fit of rage.

Considering the above, this application is allowed.

Let the petitioner, Zayaul Haque @ Ziyaullah, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Sub Divisional Judicial Magistrate, Motihari, East Champaran, in connection with Dhaka (Pachapakari) Police Station Case No. 162 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of

failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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