

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24278 of 2016

Arising Out of PS.Case No. -1212 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Mozibul Hasan Khan @ Guddu @ Mojibul Hassan Khan

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Amit Kr.Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-05-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken under sections 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“That the petitioner is still ready to keep the complainant with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below.

It appears that the learned Sessions Judge has disposed of the anticipatory bail application of the petitioners in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806 (Cr. Misc. No. 51075 of 2014 since only the summons were issued.

Learned counsel for the petitioner has not controverted this fact that only summons have been issued till date.

In view of the aforesaid, it is a case for consideration of prayer for regular bail of the petitioner. Let the learned court below consider the prayer for regular bail of the petitioners in view of the ration laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806 if the petitioner surrenders within six weeks from today in connection with Complaint Case No. 1212 of 2015 pending in the court of learned SDJM, Rohtas at Sasaram. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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