

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45777 of 2015

Arising Out of PS.Case No. -1496 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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Saifful Islam @ Safful Islam son of Mansoor Khan resident of Deennagar,
P.S. Chandradeep, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asma Khatoon W/o Late Md. Imtiyaz Uddin, D/o Md. Naimuddin, R/o
Pathan Chowk, P.S.+Distt- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Smt. Rina Sinha(App)

For the Opposite Party No. 2 : Mr. Shaukat Alam, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

07/ 16-02-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the father-in-law of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is alleged by the complainant that the husband of the complainant died and thereafter the petitioner tortured her and drove her out from the matrimonial

house and kept her jewellery.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage of the petitioner's son with the complainant and birth of a male child. It is further submitted that the petitioner is ready to keep the complainant and her son in the matrimonial house and allowed her to enjoy her share of property in the in-laws house. The petitioner is also ready to return the jewellery of the complainant, though, there is a dispute with regard to the quantum of jewellery. So far quantum of jewellery is concerned, in present proceeding this Court is not inclined to decide with dispute with regard to the quantum of jewellery.

Counsel for the complainant submits that the earlier also the petitioner gave similar undertaking but he failed to comply the undertaking. Though, the petitioner is ready to go to matrimonial house provided the petitioner undertakes to take care of the complainant and her son and provide bare minimum amenities to them.

Both sides agree to appear before the learned court below on 4th March, 2016 when the petitioner will take the complainant and her child to her matrimonial house.

Considering the present stand of the parties, let

the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jamui in connection with Complaint Case No. 1496C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below if the complainant will not complain that she is being substantially obstructed in enjoying of her share of property in the in-laws house or the petitioner is not taking substantial care of the complainant and her son.

(Dinesh Kumar Singh, J)

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