

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17961 of 2015

Arising Out of PS.Case No. -776 Year- 2014 Thana -PHULWARI District- PATNA

Yunus Wahab, son of Abdul Wahab, resident of Mohalla- New Karimganj,
Road no. 9, S.S. Colony, P.S. Civil Lines, District Gaya, Bihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
With Tulika Singh, Advocate
Mrs. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Md. Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 01-02-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Phulwarisharif P.S. Case No. 776 of 2014, disclosing offences
under Section 498A of the Indian Penal Code and Section 3 and 4
of Dowry Prohibition Act.

The petitioner is the husband of the informant. From
the records, it transpires that for amicable resolution of the
dispute, the matter was referred to Patna High Court Mediation
Centre. The mediation has, however, failed.

Learned counsel for the petitioner submits that despite

his assurance to the informant that he would keep the informant with full love and dignity, the informant has refused to live with him.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer of anticipatory bail and has contended that in view of the nature of cruelty meted out to her by the petitioner, this privilege of anticipatory bail should not be extended to the petitioner.

In my opinion, it appears that matrimonial discord between the petitioner and the informant is the reason behind institution of the First Information Report. No tangible purpose is going to be served, if the petitioner is taken into custody in connection with the case in hand in absence of any material to show that he will be tampering with the evidence or influencing the witnesses. This application is, accordingly, allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Phulwarisharif P.S. Case No. 776 of 2014, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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