

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43856 of 2015

Arising Out of PS.Case No. -738 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

1. Md. Tauhid Alam Son of Late Md. Sallo, Resident of Village - Diyaganj,
P.S. - Araria, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Zannati D/o Late Chulhai Mian, Resident of Village - Diyaganj,
P.S. - Araria, District - Araria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : Mr. Anita Kumari (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 12-07-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.



It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of six children. It is further submitted that complainant has filed a case against Nijam levelling accusation under Section 376 of the Indian Penal Code. Subsequently, the case was compromised and thereafter the complainant deserted the petitioner. The notices were issued to opposite party no. 2 vide order dated 15.09.2015.

Mr. Rajesh Kumar Singh, entered appearance on behalf of opposite party no. 2, but the matter was adjourned on 12.02.2016, 05.04.2016, 16.05.2016 since none appears on behalf of opposite party no. 2. Today also not appeared on behalf of opposite party no. 2.

It is submitted by the learned counsel for the petitioner that since the complainant is still in physical relation with Nijam. There is no chance of issue being reconcile.

In the circumstances, let the above named petitioner be released on bail 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, Araria in connection with Complaint Case No. 738 of 2013, subject to conditions as laid down under

Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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