

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21974 of 2016

Arising Out of PS.Case No. -1582 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md. Mumtaj S/o Md. Shankar @ Md. Shankar,
2. Md. Shakoor @ Md. Shakur @ Md. Sakur s/o- Late Nathuni Mian, Both
Resident of Village- Akbarpur, P.S.- Ahiyapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Zamila Khatoon, D/o Md. Newaji, resident of village- Chit Bhagwatipur,
Chandwara, P.S.- Ahiyapur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.
For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2016 Heard learned counsels for the petitioners and the State.

The petitioner no.1 being the husband of the complainant and petitioner no.2 being the father of petitioner no.1 are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioners that petitioner no.1 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 para 9 of the petition which reads as follows:-

“That the complainant is always welcome at her matrimonial home and petitioners are willing that she may come home. Petitioners are ready to keep her with full honour and dignity”.

The impugned order reflects that on joint prayer of the parties, complainant was noticed but petitioner no.1 deliberately chose not to appear, though, the complainant appeared and expressed her willingness to resume the conjugal life, the relevant portion of the impugned order reads as follows:-

“In the instant case on the request of both parties, sufficient time gave and complainant was called for by the court for concelling because this is a family matter but petitioner Mumtaz has not appeared before the court and today learned defence counsel for accused petitioner has submitted that accused does not want to appear before the court for concelling and said anticipatory bail petitioner be disposed off while the complainant Jamila Khatoon has appeared before the court and she wants to go her matrimonial house and is residing with her husband”.

In the circumstances, this Court is not inclined to grant anticipatory bail to petitioner no.1, however, learned court below may consider the prayer for grant of regular bail to

petitioner no.1 provisionally till the appearance of the complainant and if the petitioner no.1 takes the complainant to keep her as wife with full dignity and honour, learned court below may confirm the provisional bail of petitioner no.1.

So far as petitioner no.2 is concerned, considering the thrust of accusation against petitioner no.1 who is the husband of the complainant and the accusation petitioner against petitioner no.2 is omnibus and general, let the above named petitioner no.2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, (East), Muzaffarpur in connection with Complaint Case No. 1582 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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