

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5954 of 2017

Arising Out of PS.Case No. -1632 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Kausar Ali @ Md. Kausar, Son of Late Noor Hasan, Resident of Village –
Bathnaha, P.S. – Marhowarah, District – Saran.

.... Petitioner

Versus

1. The State of Bihar
2. Farida Khatoon, Wife of Kausar Ali @ Md. Kausar, Resident of Village –
Bathana, P.S.- Marhowarah, District – Saran, at present residing at
Village – Habar Chapra, P.S. – Amnour, District – Saran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Advocate.

For the Opposite Parties : Mr. Ajay Kumar-1, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-05-2017

Heard both sides.

The petitioner apprehends his arrest in Trial No. 1689
of 2016, arising out of C. No. 1632 of 2013 registered for the
offence punishable under Section 498A of the Indian Penal Code.

The wife made allegation against the petitioner that the
petitioner subjected her to physical and mental torture due to non-
fulfillment of additional demand of dowry.

Learned counsel for the petitioner submits that the
petitioner is ready to keep his wife. The opposite party no. 2/wife
also submits that she is ready to live with her husband provided
her husband keeps her properly.

Considering the facts aforesaid and the facts that the



husband and wife are willing to live together, the petitioner above named is directed to surrender in the court below within four weeks from the date of receipt/production of a copy of this order and the court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Saran in Trial No. 1689 of 2016, arising out of C. No. 1632 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. If the petitioner keeps his wife properly the court below shall confirm the provisional bail of the petitioner and if, the petitioner fails to keep his wife properly the court below shall pass order on provisional bail of the petitioner in accordance with law immediately after expiry of four months.

(Prabhat Kumar Jha, J.)

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