

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20426 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -MAHILA PS District- DARBHANGA

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1. Md. Islam son of Abdul Barkat resident of village Fatahpur, Police Station Manigachhi, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raziya Khatoon Daughter of Md. Obaid (wife of Md. Islam) resident of village Parari, Police Station Bahadurpur (Fekala O.P.) District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 14-07-2017 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. case No.39 of 2016 under Section 498A and other Sections of the Indian Penal Code and under Section 34 of Dowry Prohibition Act.

The petitioner is the husband of informant. The informant was married to the petitioner on 27.05.2010. The informant narrated the entire story as to how she was subjected to different sorts of torture by the petitioner and his family members. The father of the petitioner got a sale deed executed in his favour from the mother of informant on 02.06.2010 but even thereafter the petitioner and his family members continued to torture the informant. Ultimately, the informant lodged the case.



The learned counsel for the petitioner submits that no specific allegation of torture is made against the petitioner. All other in-laws have been granted anticipatory bail. The petitioner is ready to keep his wife on any undertaking.

However, Mr. Samir Ranjan, the learned counsel for the informant and the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that for last six years the informant has been continuously tortured by the accused persons and if this attitude remains, the informant is not ready to live with petitioner.

Considering the fact that the petitioner is unconditionally willing to keep his wife properly, the above named petitioner is directed to surrender in the court below within four weeks from today and the court below shall enlarge the petitioner on provisional bail for four months after calling the informant in court on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Darbhanga in Mahila P.S. Case No. 39 of 2016.

The court below shall make all efforts for reconciliation of the dispute between the husband and the wife. If the dispute is resolved amicably between the parties, the



provisional bail granted to the petitioner shall be confirmed. In case the dispute is not resolved, the court below shall pass orders immediately after four months on the prayer for provisional bail of the petitioner on its own merit in accordance with law.

(Prabhat Kumar Jha, J)

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