

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33327 of 2017

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Md. Abrar S/o Md. Mustafa, R/o Village- Parsa, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Khatoon W/o Md. Abrar, At present R/o at Village- Khudi Pakhari, P.S.- Bela, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 11-10-2017

The present application has been filed for modification of order dated 07.04.2017 passed in Cr. Misc. No. 47067 of 2016 to the extent for acceptance of the bail bond of the petitioner without filing of compromise petition since the informant is not appearing before the learned Court below.

The petitioner being the husband of the informant was granted provisional anticipatory bail for six months in a case registered for the offences punishable under Sections 498A, 120B, 379 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand, making assault and performing



second marriage.

On submission made on behalf of the petitioner that the accusation has been levelled of performing second marriage but the FIR has not been registered under Section 494 of the IPC, however, but the petitioner accepts the factum of second marriage and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 10 of the main petition. On acceptance of the offer of the petitioner by the informant the petitioner was granted provisional anticipatory bail for six months on the condition that the bail bond of the petitioner will be accepted on filing of joint compromise petition by the parties before the learned Court below. It is further submitted that the informant is to appear before the learned Court below as a result neither the joint compromise petition was filed nor the petitioner furnish the bail bonds.

This Court in the present application issued notice to the informant-opposite party no. 2 vide order dated 09.08.2017. The office note dated 10.10.2017 reflects that the notice has been personally received by opposite party no. 2, but none is appearing on behalf of opposite party no. 2.

In the circumstances, the order dated 07.04.2017 passed in Cr. Misc. No.47067 of 2016 is modified to the extent



that the petitioner is directed to be released on anticipatory bail, in the event of 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 SDJM, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 266 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the grant of bail will not preclude the informant to resume the conjugal life. If she files any such application the petitioner will be obliged to take the informant to keep her as wife with full dignity and honour.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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