

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48847 of 2016

Arising Out of PS.Case No. -1365 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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1. Md. Arshad, son of Md. Samad, resident of village & PS - Nauhatta,
District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulsana Parween, wife of Md. Arshad, D/o Md. Najib, resident of
village - Tharbitta Punarwas, PS - Kishanpur, Distt - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 13-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1365-C of 2014 instituted for the offence under
Section(s) 498-A, 323, 341, 379, 406, 504, 120-B Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner is husband of the Opposite Party No.2-
complainant.

It has been submitted on behalf of the petitioner that
the matter was sent to Mediation Centre, but the wife did not
agree to go with husband and, therefore, mediation failed.
Husband is ready to keep the wife-Opposite Party No.2, but she
is not ready to live with him. Petitioner has filed a petition under



Section 9 of the Hindu Marriage Act for restitution of conjugal rights, which is pending in the Court.

Counsel for the Opposite Party No.2 submits that the wife cannot live with the petitioner in the present circumstances.

From the impugned itself, it appears that the complainant appeared in the lower Court on notice, but refused to go with husband. The report of the Mediator is available at flag-‘A’, wherein, it is mentioned that in spite of best effort dispute could not be resolved.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.1365-C of 2014, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Supaul, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on



two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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