

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45269 of 2016

Arising Out of PS.Case No. -184 Year- 2016 Thana -COMPLAINT CASE District- SUPAUL

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1. Md Rasheed Khan, Son of Khateem Khan,
2. Md Khateem Khan, Son of Late Sakur Khan,
3. Sabila Khatoon @ Budhani, Wife of Md Khateem Khan, Resident of
Village- Manganj East Tola- Bansbari, Police Station- Jadia, District-
Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon, Wife of Md Rasheed Khan, Daughter of Rahmat
Khan, Resident of Village- Manganj East Tola- Bansbari, Police Station-
Jadia, District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the S t a t e : Mr Matloob Rab, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 03-04-2017 Heard learned counsels for the petitioners,
complainant and Mr J N Thakur, for the State.

Petitioner No 1 being the husband of the complainant
and petitioners No 2 and 3 being the parents of petitioner No 1 are
apprehending arrest in Complaint Case No 184C of 2016, in which
process has been directed to be issued after cognizance being
taken under Section 498A of Indian Penal Code and Section 4 of
Dowry Prohibition Act.

It is submitted by the learned counsel for the
petitioners that complainant herself has deserted petitioner No 1.



Petitioner No 1 admits his marriage with the complainant having no issue. Petitioner No 1 filed Matrimonial Suit No 22 of 2016 with a prayer to divorce on 28.04.2016 on the ground of desertion and complainant having illicit relationship with one Guddu. The accusation of torture is omnibus and general in nature against all the accused persons including petitioners No 2 and 3 who are parents of petitioner No 1.

Learned counsel for the complainant submits that the complainant has neither any illicit relationship with any one nor she has married any one and the plea of second marriage being performed by the complainant, has been set up for filing Matrimonial Suit No 22 of 2016 with a prayer for divorce much after the filing of the complaint but this plea was never taken before the learned Court below which gets reflected from the impugned order. The complainant is still ready to resume the conjugal life. Learned counsel for the petitioners submits that petitioner No 1 is not ready to keep the complainant.

Considering the rival submissions of the parties and the fact that the issue is not likely to be resolved between the complainant and petitioner No 1 for the present, hence, this Court is not inclined to grant anticipatory bail to petitioner No 1.

Let learned Court below consider the prayer for



regular bail of petitioner No 1 in case he surrenders within a period of six weeks from today in connection with Complaint Case No 184C of 2016 pending in the Court of Sub Divisional Judicial Magistrate, Supaul.

So far as petitioners No 2 and 3 are concerned, as the thrust of accusation is against petitioner No 1, let they, in the event of arrest or surrender before the leaned Court below within a period of 12 weeks from today, be released on anticipatory bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Supaul in Complaint Case No 184C of 2016 subject to all conditions as laid down in Section 438 (2) of Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

M.E.H./-

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