

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32816 of 2017

Arising Out of PS.Case No. -255 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Nasir Khan S/o - Late Washir Khan @ Lalu Khan resident of village -
Barheta Muthaje, P.S. Bochahan, District - Muzaffarpur.
2. Sabir Khatoon wife of Late Washir Khan @ Lalu Khan resident of
village - Barheta Muthaje, P.S. Bochahan, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shaira Khatoon wife of Nasri Khan at present Turki Purani Gharari, P.S.
Minapur, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.
Mr. Nagdeo Choubey, Adv.
For the opposite party : Mr. Arun Kumar, Adv.
Mr. Nirmal Kumar Sinha-3
For the State : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No. 255
of 2016 instituted for the offence under Section-498A of the Indian
Penal Code and 3/4 of Dowry Prohibition Act.

Petitioners are husband and mother-in-law of the
complainant. The petitioner No. 2 is mother-in-law. There is general
and omnibus allegation against her.

In such circumstances, prayer for anticipatory bail of
petitioner No. 2 is allowed and it is ordered that the petitioner No. 2
named above in the event of her arrest or surrender in the court below
within six weeks from the date of receipt/production of copy of this



order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 255 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, (East) Muzaffarpur subject to condition as laid down u/S 438(2) of the 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.

So far as petitioner No. 1 is concerned; he is husband of the complainant (opposite party No. 2). He is ready to keep his wife and three children with all dignity and care. The wife (opposite party No. 2) is present in court. She has also stated that she is ready to live with her husband (petitioner) if he keeps her along with three children with full dignity and care.

In such circumstances, the petitioner No. 1 named above is directed to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, East/concerned court, Muzaffarpur within a period of six weeks from the date of receipt of this order



in connection with Complaint Case No. 255 of 2016, along with Affidavit that he will keep the wife and her children with full dignity and care, and in the event, the Court below finds that petitioner No. 1 is willing to keep his wife and her children with full dignity and care, the court below will release the petitioner No. 1 on provisional bail to its own satisfaction for a period of nine months and will issue notice to informant (wife) and will monitor the relationship between the parties by calling both of them every month in the court and in the event the court below finds that good conjugal relationship have been restored between husband and wife and wife does not make any complain about the physical and mental torture committed by the petitioner No. 1 during the period of her stay with him or court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife or the wife does not appear even after valid service of notice, the court below shall confirm the provisional bail of the petitioner No. 1 after nine months.

It is made clear that in the event the petitioner No. 1 does not surrender in the court below along with Affidavit, as ordered above, or the petitioner No. 1 refuses to keep the wife and three children on her appearance in court or wife during the period of monitoring makes complain about physical and mental torture



committed by the petitioner No. 1, it will be open to the court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner No. 1 without taking into consideration the observations made above by this Court.

Accordingly, prayer of anticipatory bail of petitioner No. 1, is disposed off.

(Sanjay Priya, J)

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