

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38289 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Zulfequar Ali Khan @ Zulfeqar Ali Khan S/o Late Anisurrahman Khan
Resident of Village-Dariyapur, P.S.-Sangrampur, Dist. - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Hena Parveen @ Hena Khatoon W/o Zulfequar Ali Khan @ Zulfeqar Ali
Khan D/o Md. Jamaluddin Khan resident at Agarwa, Gali No. 1, Dallu
Pahalwan House , Motihari P.S.-Motihari Town, Dist East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

7 18-07-2017 Heard learned counsels for the petitioner,
informant and Mr. J.N. Thakur, learned APP for the State.

The petitioner being the husband of the informant
has renewed his prayer for anticipatory bail as the earlier
application preferred for anticipatory bail vide Cr. Misc. No.
34529 of 2015, was dismissed as withdrawn, vide order dated
24.8.2015, as contained in Annexure 1.

It is submitted by learned counsel for the petitioner
that since the petitioner met with a serious accident, hence, the
then learned counsel for the petitioner withdrew the earlier
anticipatory bail since he had no instructions.



Considering the nature of accusation, the learned counsel for the informant has no objection to the present prayer of the petitioner and the reason for withdrawal of earlier anticipatory bail application, the present application is entertained for being considered on merits.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,323,504,313,406 and 498A/34 of the Indian Penal Code.

The informant Hina Khatoon filed a written report before the Officer-in-charge of Mahila Police station on 16.4.2015, alleging therein that she was married to the petitioner on 11.3.2007. Initially, the informant stayed in the matrimonial house and thereafter, the petitioner took her to Gurgaon in his constructed house, but after some time further dowry demand of Rupees Three Lacs was made from the informant and she was also tortured for non-fulfillment of the same. The informant was administered some medicine, as a result of which, the pregnancy of the informant got terminated. The effort was made by the family members of the informant to get the issue reconciled, but the accused persons remained adamant so far as the further dowry demand was concerned. The informant came to her parents' house while carrying pregnancy and gave birth to a



child.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child. The petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 2 of the Supplementary Affidavit which reads as follows:

“That, this supplementary affidavit is being filed to submit & state that the petitioner is always ready to keep the O.P. No. 2, his wife with all dignity & pride of a legally wedded wife, if she comes and lives with the petitioner & his family.”

The petitioner filed Matrimonial Suit No. 378 of 2014/289 of 2014 on 24.12.2014, with a prayer for divorce and thereafter, the present FIR was registered on 16.4.2015. The informant has also filed Complaint Case No. C-63 of 2015 with accusation under sections 323,498A,406,504 and 307/34 of the IPC, sections 3 and 4 of Dowry Prohibition Act and section 12 of the Domestic Violence Act but no process has been issued till date. The informant also filed a Complaint Case before the Mahila Helpline which is pending. It is further submitted that the informant also filed a domestic violence case wherein also no effective order has been passed as yet. It is lastly submitted



that if the informant accepts the offer of the petitioner of resuming the conjugal life, the petitioner is ready to withdraw the matrimonial suit filed with prayer for divorce.

Learned counsel for the informant submits that she is not opposing the prayer for anticipatory bail. It was the petitioner who drove her from her matrimonial house. She is ready to resume the conjugal life and also ready to file appropriate application for withdrawal of the application in the present case, Complaint Case No. C-63 of 2015, the case lodged before the Mahila Helpline as well as in the Domestic Violence case, if the petitioner keeps her as wife with full dignity and honour. Both, the petitioner and the informant agree to appear before the learned court below on 31st of July, 2017, when the petitioner will take the informant and minor child along with him and keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 14, Motihari, East Champaran in connection with



Mahila P.S. Case No. 25 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned Court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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