

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10197 of 2017

Arising Out of PS.Case No. -794 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Abdul Salam @ Abadul Salam, son of Aiyub, resident of Village-
Korhara, Police Station- Mahalgaon, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Hamida, daughter of Md. Naimuddun, resident of Village- Korhara,
Police Station- Mahalgaon, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-03-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with
Complaint Case No.794-C of 2015 registered for offences
punishable under Sections 498A of the Indian Penal Code.

It is submitted on behalf of the petitioner that the petitioner
is still ready to keep his wife with all dignity. The learned court
below has not taken cognizance of the petitioner under Section
323 and 325 or other Sections of the Indian Penal Code rather he
has taken cognizance under Section 498A of the I.P.C. and Section
34 of the Dowry Prohibition Act.

Heard learned A.P.P. also, who has opposed the prayer for
bail, stating that there is allegation of demand of dowry as well as



torturing and assaulting her.

Having heard both sides and a submission has been made that the petitioner is ready to keep his wife with all dignity but no such prayer had been made before the learned court below and there is allegation of assault also.

Considering the aforesaid fact, I am not inclined to grant anticipatory bail to the petitioner, however, if the petitioner files such an application for keeping his wife with all dignity before the learned court below, he will consider this aspect of the matter and will call upon the Opposite Party No.2 and make mediation between the parties and during the course of mediation, if satisfied with the conduct of the petitioner, the learned court below will pass an appropriate order without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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