

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36670 of 2018

Arising Out of PS. Case No.-717 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Md. Mumtaj Alam @ Md. Mumtaj, S/o Md. Mokhtar Alam, R/o Vill.- Jogiya,
P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jubaida Khatoon W/o Mumtaj Alam D/o Md. Aazad, R/o Vill.- Jogiya, P.S.-
Alouli, District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018

Heard learned counsels for the petitioner and State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

It is alleged by the complainant that her marriage was performed with the petitioner on 17.11.2011, subsequently they were blessed with two female children, but subsequently torture was inflicted for non-fulfillment of further dowry demand of Rs. 1,00,000/- and ultimately she was driven out of her matrimonial house.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 7 of the petition which reads as follows:-

“That as per complainant the petitioner is husband of the complainant and he is ready to keep his wife with full respect and dignity.”

It is further submitted that there is no medical proof which supports the accusation of assault.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Khagaria in connection with Complaint Case No.717C of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The learned Court below will issue notice to the complainant to appear and on appearance of the complainant, the learned Court below will make effort to reconcile the issue



between the parties.

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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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