

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6393 of 2018

Arising Out of PS.Case No. -159 Year- 2016 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Moim Mansuri @ Md. Muinddin Mansuri, Son of Md. Kismat Mansuri, Resident of Village – Ramnagar Akhari, P.S. Ladaniya, District – Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nasrin Khatoon, Wife of Moim Mansuri, Daughter of Md. Mustque Mansuri, Resident of Village – Teghara, P.S. – Babubarhi, District – Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 30-03-2018

Heard learned counsel for the petitioner, the

State and the complainant-opposite party no. 2.

The petitioner and the complainant are present in Court.

The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

The prosecution case as per the complaint case is that marriage between the petitioner and the complainant



are performed in 2010 as per Muslim Rites, but after six months of the marriage the petitioner demanded Rs. One lac as further dowry and due to non-fulfillment of the same the entire in-laws used to assault the informant. Subsequently, the couple were blessed with a daughter but since the complainant could not be blessed with a son hence, in-laws people continued with the torture. On 21.02.2016 the petitioner tried to kill the complainant, but since the local people got collected on the spot no injury was caused to the complainant but she was being driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep his wife and daughter with great respect and proper care.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned



Court below on 16th of April, 2018 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of his arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Madhubani in connection with C.R. No. 159 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities:- if the matrimonial harmony is substantially restored or if the complainant gets reluctant to reconcile the issue or if the complainant fails to appear before the learned Court below.

(Dinesh Kumar Singh, J)

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