

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61829 of 2018

Arising Out of PS. Case No.-1984 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Ilyas, Son of Late Mehruddin Mian, Resident of Village- Bhorha Tola Bhutta, Police Station- Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mina Khatoon, Daughter of Md. Hassan, Wife of Md. Ilyas, Resident of Village- Bhorha Tola Bhutta, Police Station- Raniganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned APP
for the 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 offence punishable under Section 498A of the IPC.

The prosecution case, as per the complaint petition filed by Mina Khatoon, is to the effect that her marriage was performed with the petitioner about thirteen years prior to lodging of this case. Subsequently, she was blessed with two children. Thereafter torture was inflicted for further dowry demand of Rs. 50,000/- and a Cow by the husband and other in-law family members and on non-fulfillment of the same, the



complainant was driven out from her matrimonial house. It is further alleged that the petitioner has performed second marriage.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 10 of the petitioner which reads as follows:

“10. That, the petitioner is husband of the complainant and always ready to keep her with full honour, dignity, love, affections and all desires.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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., Araria**, in connection with **Complaint Case No.1984C of 2017**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the learned Court below issue notice to the complainant and on her appearance the petitioner will take the complainant



to her matrimonial house to keep her as wife with dignity.

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 complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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