

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73583 of 2018

Arising Out of PS. Case No.-355 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Jakaullah, Son of Md. Rahim Devan, Resident of Village- Bisrahya, P.S.-
Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rabiya Khatoon, D/o Md. Ali Hasan, Resident of Village- Sapahi, P.S.- Dhaka
(O.P Pachpakri), District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsels for the petitioner and 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 offences punishable under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of the D.P. Act.

The prosecution case as per the complainant is that marriage between the complainant and the petitioner Md. Jakaullah, was performed in June, 2015. Subsequently, they were blessed with a female child. Thereafter, further dowry demand of Rs. 2,00,000/- was made and due to non-fulfillment



of the same torture has been inflicted upon the complainant.

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

“That it is submitted that the petitioner is ready to keep the complainant namely Rabiya Khatoon with full dignity and honour. But the complainant does not want to live with the petitioner and his family members.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

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 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 **Sub-Divisional Judicial Magistrate, Sikrahna, Dhaka, East Champaran** in connection with **Trial No. 2837 of 2018** arising out of **Complaint Case No. C-355 of 2017**, subject to the conditions as laid down under Section 438(2) Cr.P.C.



Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by 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)

Deepak/Rahul/-

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