

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10307 of 2019**

Arising Out of PS. Case No.-1652 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Irsad, Son of Md. Samsuddin @ Md. Syim Uddin, Resident of Village-
Husainabad Puraini, P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner

Versus

1. State of Bihar
2. Saieeka Salma, Daughter of Md. Kuraish, Resident of Village- Kila Puraini,
P.S.- Jagdishpur, District- Bhagalpur

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Nand Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 26-04-2019 Petitioner seeks bail in anticipation of her arrest in connection with Complaint Case No. 1652 of 2016 in which cognizance has been taken under Sections 323, 341, 498A/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting opposite party No.2-wife to cruelty and harassment with respect to demand of Rs.50,000/-.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with him and he has also filed a petition under Section 281 of Mohammedan Law for restitution of conjugal right.

Heard learned APP and learned counsel for the complainant, who has submitted that she is also ready to reside with



the petitioner if she is allowed to live with dignity and care.

Having heard both sides and in the facts and circumstances, this application is disposed of with a direction to the petitioner to surrender in the court below on 10.5.2019, and on that day opposite party No.2 shall also remain present in court, and once a petition is filed by the petitioner that he is ready to keep opposite party No.2 with him and he will take her from the court itself to his house with dignity and care, he will be released on provisional bail by the court below itself for a period of six months. During that period, learned court below shall watch their conduct and marital relationship between them by calling them in the first week of every month and once the court below is satisfied with their conduct and marital relationship between them, specially the conduct of the petitioner, his bail bond shall be confirmed, otherwise the court below is free to pass any other order(s) as it may deem fit and proper, including cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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