

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2371 of 2019

Arising Out of PS. Case No.-2770 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Md. Afzal, Male, aged about 24 years, Son of Md. Israil Ansari, Resident of
Village - Fatehpur Kamli, P.S.-Mahnar, Dist-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar and anr Bihar
2. Jewa Khatoon, D/o- Anwar Ansari, Resident of Village - Jaruah, Matwalwa
Akhara, P.S.- Hajipur Nagar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Prasad
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2019 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.

The prosecution case as per the complainant is that
marriage between the complainant and the petitioner was
performed on 10.11.2016. But Subsequent to the marriage,
further dowry demand of Rs. 50,000/- and gold chain was made
and due to non-fulfillment of the same torture has been inflicted



upon the complainant by the accused persons and ultimately, on 01.11.2017, after snatching all her belongings, all the accused persons drove out the complainant from her matrimonial house.

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, statement to that effect has been made in paragraph no. 1 of the petition, relevant portion of the same, reads as follows:-

“The petitioner is husband and he wants to keep O.P. No. 2 Jewa Khatoon with full dignity.”

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 that 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Complaint Case No. 2770 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)

Amrendra/-

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