

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4561 of 2019

Arising Out of PS. Case No.-235 Year-2016 Thana- KATIHAR COMPLAINT CASE
District-

=====

Md. Mustaque @ Md. Mustakh, aged about 42 years, male, Son of Md. Harun, Resident of Mohalla-Daheria Azad Chowk, P.S.+District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Binod Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the complainant. 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 IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is to the effect that the marriage of the complainant was performed with the petitioner about 15 years prior to the filing of the present complaint. Subsequently, they were blessed with a female child, but after birth of child, behaviour of petitioner got changed and subsequently, further demand of dowry of 1 katha



of land was made and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-laws family members of the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and birth of a female child and he is ready to keep the complainant with her child with full dignity and honour, statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That the petitioner is ready to keep her with due respect and care if she resumes marital obligation and resides in the family of the petitioner”

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/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 SDJM, Katihar in connection with Complaint Case No. 235 of 2016, 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 keep her as wife with full dignity and honour.

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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

