

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6839 of 2019

Arising Out of PS. Case No.-380 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Shekh Md. Anwar Son of Late Md. Sharif, Resident of Village- Uchauli, P.S.-
Madanpur, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kahkashan Parveen Wife of Shekh Md. Anwar and Daughter of Late Md. Mohiuddin, Resident of Village- Uchauli, Police Station- Madanpur, District- Aurangabad, At present residing at Village- Rampur, P.O.- Rafiganj, P.S.- Rafiganj, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhanu Pratap Singh
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-02-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.380 of 2017 for the offences allegedly committed by the petitioner under Sections 147, 323, 498A, 379 and 504 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

The petitioner is husband of the complainant. The complainant made allegation of demand of dowry and torture against the petitioner.

Learned counsel for the petitioner submits that the petitioner is always ready to keep his wife but his wife does not want to live with the petitioner. The petitioner filed Matrimonial



Case No.150 of 2016 and when the complainant came to know about the matrimonial case filed by the petitioner in the year 2016 itself for restitution of conjugal rights, the complainant filed the complaint case. The complainant also filed Miscellaneous Case No.53 of 2017 before the Principal Judge, Family Court, Aurangabad for her maintenance. The wife is only interested in getting maintenance and she does not want to live with the petitioner.

Having considered the facts that prior to institution of complaint case the petitioner filed Matrimonial Case No.150 of 2016 for restitution of conjugal rights, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad in connection with Complaint Case No.380 of 2017 (Tr. No.1797 of 2018), subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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