

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8559 of 2019

Arising Out of PS. Case No.-1645 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Imteyaz Son of Late Dr. Md. Zaheerul Islam Resident of Village -
Khwaja Nagar, Police Station – Jagdishpur, District – Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Shahida Khatoon Wife of Md. Imteyaz and D/o Md. Ghulam Sarwar
Resident of Village - Radha Nagar, PS- Sajour

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-02-2019

This application, for grant of anticipatory bail, arises out of Bhagalpur Complaint Case No. 1645 of 2017, disclosing offences under Sections 323, 341, 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner is husband of the complainant and allegation against him is of cruelty and torture to the complainant for demand of dowry.

Submission of learned counsel for the petitioner is that he is still ready to keep the complainant with full honour and dignity as a wife but the complainant herself does not want to live with the petitioner.

Learned counsel for the State as well as learned counsel for the complainant has opposed the prayer for grant of



anticipatory bail. It has been submitted by learned counsel for the complainant that complainant is being subjected to cruelty and torture by the petitioner time and again and, therefore, she is apprehensive of conduct of the petitioner and due to which, she is not ready to live with the petitioner and she has also filed a maintenance case against the petitioner.

Having heard both sides and perused the impugned order, from which, it appears that the complainant is not ready to live with the petitioner, as such, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub - Divisional Judicial Magistrate, Bhagalpur, in connection with Bhagalpur Complaint Case No. 1645 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure. It is further subject to the condition that the petitioner will appear in the maintenance case and the Family Court after appearance of the parties shall pass an order with respect to interim maintenance to the complainant till disposal of the case, within a period of one month from appearance of the parties.

(Vinod Kumar Sinha, J)

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