

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19067 of 2019

Arising Out of PS. Case No.-65 Year-2016 Thana- FORBESGANJ District- Araria

Mujahid @ Md. Mojahid, Son of Zahir R/o-Village- Jhirwa, P.S- Simraha,
Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-11-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is to the effect that the marriage of the informant was performed with the petitioner two years prior to filing of the present case, but subsequent to the marriage, further demand of dowry of a she-buffalo and cash of Rs. 25,000/- was made and due to non-fulfillment of the same, torture was inflicted upon the informant by the petitioner and other in-laws family members.

Learned counsel for the petitioner submits that the



petitioner admits his marriage with informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 16 of the petition, which reads as follows:-

“16. That, in spite of all these happenings the petitioner, who is said to be husband of the informant, is still ready resume the conjugal life and to keep the informant with all honour, affection and dignity and same pleading has been advanced before the learned Court below.”

It is further submitted that the informant has also filed Complaint Case No. 2932C of 2015 with similar accusation, wherein the petitioner has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20.05.2019, passed in Cr. Misc. No. 64641 of 2018 on the ground that the petitioner is still ready to keep the informant as wife with full dignity and honour.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the present stand of the petitioner and the fact that in earlier case filed by the informant with similar accusation, the petitioner has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, let the above named petitioner be released on anticipatory bail 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 Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No. 65 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if the informant wants to resume the conjugal life and files such an application before the learned Court below then the learned Court below will issue notice to the petitioner and in that event, the petitioner shall be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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