

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20845 of 2019

Arising Out of PS. Case No.-210 Year-2017 Thana- COMPLAINT CASE District- Araria

Moid @ Moidur Rahman, Son of Md. Yusuf, Resident of Village - Mohani,
Ward No.13, P.S.- Baunri, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Kohinur, Wife of Moidur Rahman, D/O- Abdul Subhan, Resident of Village - Basighat Debamiya, P.S. and District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsels for the parties.

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 IPC.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner one and a half year prior to the lodging of the present case as per Muslim customs. After the marriage for 2-3 months, she was kept with full dignity and honour. Subsequently, thereafter, further dowry demand of Rupees one lakh was made and due to non-fulfillment of the same, torture was inflicted upon her and



ultimately, she was driven out of the matrimonial house, after snatching all her belongings by in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is still ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“10. That the petitioner is ready to keep the complainant with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned Court below.

Considering the present stand of the petitioner and in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Araria** in connection with **Complaint Case No. 210C of 2017** subject to the conditions laid down in Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to complainant for



his appearance before the learned Court below from where the petitioner will take the complainant with him as wife to keep her 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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