

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25041 of 2019**

Arising Out of PS. Case No.-373 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. ANSAR Son of Abdul Kadir police station - Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raziya Khatoon Wife of Md. Ansar D/O Md. Kalwa, at present Resident of Village - Baskota Govindpur, P.S.- Barsoi, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the opposite party no.2.

Petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No.373 of 2017
registered for the offence punishable under Section 498A of the
Indian Penal Code.

Learned counsel for the petitioner submits that on
perusal of the complaint petition it would appear that the
marriage between the petitioner and the opposite party no.2 took
place on 13.03.2013. The allegation is that after marriage the
complainant went to her matrimonial home, stayed there and
after six months she left for her sasural with a hope to live there



with all happiness and peace but thereafter when she returned to her matrimonial home the accused persons demanded Rs.1 lac and asked the complainant to go to her parents and to fetch that the amount. It is alleged that in July, 2016 the accused persons brutally assaulted her and drove her out of their house and dishonestly withheld all her belonging.

Learned counsel submits that the entire allegations are baseless, general and omnibus. Not a single instance of torture and cruelty have been mentioned in the complaint petition rather it is her own statement that during her initial stage she did not get any torture.

This Court called upon learned counsel for the opposite party no.2 to seek instruction as to whether she is ready and wiling to live with the petitioner because the petitioner had offered to take her back to his matrimonial home and to keep her with full dignity and care. Today, learned counsel for the opposite party no.2 submits that he has instruction to say that the opposite party no.2 is not willing to live with the petitioner.

In the given facts and circumstances of the case, finding that in the complaint petition there are general and omnibus allegations, the petitioner had offered to take back the opposite party no.2 to her matrimonial home and to live with her



with full dignity and care, but then it is the opposite party no.2 who is not willing to go with the petitioner, this Court is willing to extend the privilege of anticipatory bail to the petitioner.

Let the petitioner above named, in case of his arrest or surrender within four weeks from today in connection with Complaint Case No.373 of 2017, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Katihar, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. Apart from that the petitioner will attend the trial on each and every date and two consecutive failure to attend the trial shall lead to cancellation of his bail bond.

(Rajeev Ranjan Prasad, J)

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