

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20998 of 2019

Arising Out of PS. Case No.-1097 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MD. SHABIR, S/o Md. Abbas, Resident of Village- Nehuta, P.S.- Aurangabad
(M), District- Aurangabad.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Shahjahan Khatoon, W/o Md. Shabir, Resident of Village- Nehuta, P.S.-
Aurangabad (M), District- Aurangabad, at present resident of Village-
Dhandhwa, P.S.- Aurangabad (M), District- Aurangabad.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-06-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 1097 of 2017 lodged for the

offences punishable under Sections 498A, 323, 379 of the Indian

Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be
husband of the complainant, is of torturing his wife with respect to
demand.

Submission of learned counsel for the petitioner is that he
is still ready to keep his wife with him with dignity and care.
However, she is not ready to reside with him.

Heard learned APP and learned counsel for the
complainant, who has opposed the prayer for anticipatory bail on the
ground that petitioner is in habit of taking her after Panchayati and



not obeying the Panchayati and subjecting her to cruelty. However, in spite of that she is ready to reside with the petitioner if she is allowed to live with dignity and care.

In view of above facts and circumstances, let petitioner appear before the court below on 2.7.2019 and on that day the opposite party No.2 shall also remain present in court and on filing an affidavit by the petitioner that he is ready to keep opposite party No.2 with him with dignity and care and not subjecting her to cruelty and is ready to take her to his house from the court itself, he shall be released on provisional bail for a period of nine months on the condition that the court below shall watch the conduct of both the parties by calling them in first week of every month in court and once the court is satisfied with the conduct of both parties, specially the petitioner, his provisional bail shall be confirmed, otherwise the court is free to pass any other order(s) as it may deem fit and proper, including cancellation of bail bonds of the petitioner.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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