

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22496 of 2019

Arising Out of PS. Case No.-2130 Year-2012 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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PARVEJ ALAM, Son of Md. Salim, Resident of Village - Basatpur, P.S.-
Dumra, District- Sitamarhi, At present Village- Mehsaul Got, P.S. and
District- Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shahjehan Khatoon, Wife of Parvej Alam, D/O- Md. Naem Resident of
Village - Mehsaul Got, Azad Chowk, Sursand Road, P.S. and District- -
Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2019 Heard learned counsels for the petitioner and the

State.

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
offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case as per the complainant is that



marriage between the complainant and the petitioner was performed about 11 years prior to lodging of the present case. Subsequently, they were blessed with three children. Thereafter, further dowry demand of Rs. 50,000/- was made and due to non-fulfillment of the same torture has been inflicted upon the complainant. It is further alleged that on 11.10.2004 after snatching all the belongings, the complainant was driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of three children. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 12 of the petition which reads as follows:-

“12. That, it is important to mention here that the petitioner is ready to keep the complainant with him if she desires to live with him with due respect.”

It appears from the impugned order that before the learned Court below the complaint was ready to resume her conjugal life but the petitioner refused to do so.

Considering that present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or 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 the like amount each to the satisfaction of learned **C.J.M., Sitamarhi** in connection with **Complaint Case No. C-1/2130/2012**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by 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)

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