

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23376 of 2019**

Arising Out of PS. Case No.-147 Year-2016 Thana- BOCHAHAN District- Muzaffarpur

Md. Aftab, Son of late Md. Mojim Resident of Village-Balthi, Rasulpur, P.S.-
Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jinat Fatma, Wife of Md. Aftab presently residing with her father at Village-
Ratanpura, P.S.- Bochahan, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Advocate
For the State	:	Mr. Ram Anurag Singh, Advocate
For the O.P. No. 2	:	Mr. Chandra Shekhar Anand, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 22-07-2019

Heard learned counsel for the petitioner; learned APP for
the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with
Bochahan P.S. Case No. 147 of 2016 dated 14.09.2016 instituted
under Sections 341/323/498A/34 of the Indian Penal Code and 3/4
of the Dowry Prohibition Act.

3. The allegation against the petitioner, who is the
husband of the opposite party no. 2, is of torture and demand of
dowry.

4. Learned counsel for the petitioner submitted that
without going into the merit, he is ready to keep the opposite party



no. 2 along with the child born out of the wedlock with him with full dignity, honour and security.

5. Learned counsel for the opposite party no. 2 submitted that she is also ready to go and live with the petitioner.

6. In view thereof, the petitioner is directed to file an undertaking before the Court below that he shall keep the opposite party no. 2 and the daughter with him in the matrimonial home with full dignity, honour and security and that he shall take care of all their needs, including medical expenses. The petitioner shall ensure that the opposite party no. 2 and her child is not harassed or ill treated either by himself or by any of his family members, who reside in the matrimonial home. The opposite party no. 2 shall be free to talk to, call, meet and visit her relatives without any let or hindrance, either from the petitioner or his family members.

7. The parties agree that the petitioner and the opposite party no. 2, along with her child, shall appear before the Court below on 5th August, 2019. Upon doing so, the Court would record the fact and also take the undertaking from the petitioner. The Court would then fix dates at fortnightly intervals when the petitioner and the opposite party no. 2 shall appear before the Court, which would ascertain the conduct of the parties and the



same shall be recorded in the order sheet. Said exercise would be carried out for the next four months.

8. Upon the said being done, the provisional anticipatory bail earlier granted to the petitioner by order dated 11.04.2019 shall stand confirmed.

9. However, even after that, in the event there is any violation of the terms of this order or of the terms of the undertaking given by the petitioner, the opposite party no. 2 shall be free to file an application. If such an application is filed, the Court below shall consider the same and after hearing the parties pass appropriate orders. If it is found that there has been any violation by the petitioner, his bail bonds shall be cancelled and he shall be taken into custody and the present application would be deemed to have been dismissed.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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