

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29330 of 2019

Arising Out of PS. Case No.-57 Year-2017 Thana- MAHILA P.S. District- Sitamarhi

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1. RAHMAT KARIM @ RAHMAT KARIM KHAN Son of Md. Muslim Khan @ Md. Muslim
 2. Md. Muslim Khan @ Md. Muslim Son of Late Ibrahim Khan. Both R/o Village- Sharifpur, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Saba Yasmin Khatoon W/o Rahmat Karim Khan, D/o Md. Nasim Khan. R/o Village- Sarifpur, P.S.- Nanpur, District- Sitamarhi, at present R/o Village- Bhawdepur Ward No. 19, P.S.- Sitamarhi, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 24-10-2019 Petitioners seek bail in anticipation of their arrest in connection with Sitamarhi Mahila Police Station Case No.57 of 2017 (Complaint Case No.1218 of 2017) registered for the offences punishable under Sections 498(A)/323 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act and Section 5/6/7/9 of the Immoral Traffic Act.

Petitioners happen to be the husband and father-in-law of the complainant.

As per allegation in the complaint petition, there is allegation of demand of dowry and torture against the petitioners.



Submission of learned counsel for the petitioners is that they are ready to keep her with dignity and care and the allegations levelled against them are false and concocted.

On the other hand, learned counsel for the opposite party No.2 has submitted that the matter was referred to the Mediation Centre but the mediation failed, which will be clear from the report of the Mediator and on the other hand he has also filed divorce case. He further submits that according to Muslim Law, petitioner No.1 has already given divorce to the complainant.

Having heard both sides and in view of the facts as stated above, this application is allowed. The provisional bail granted to the petitioners, above named, vide order dated 03.05.2019 is confirmed, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the court concerned. Further condition is that if any maintenance case is filed by the opposite party No.2, he on his personal service shall co-operate in disposal of the same.

(Vinod Kumar Sinha, J)

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