

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26422 of 2019**

Arising Out of PS. Case No.-1667 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

MD. AAMIR @ MD. AMIR, Son of Md. Jamir, Resident of Village -
Rashidpur Tola Pamariya, Ward No.8, P.S.- Bachhwara, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nazma Khatoon, Wife of Md. Aamir @ Md. Amir, D/o late Md. Tabarak,
Resident of Village - Bari Ballia, Abbasi Tola, P.S.- Ballia, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

5 16-11-2019 None appears on behalf of the complainant. However,

Learned counsels for the petitioner and the State are present.

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

offences punishable under Section 498A of the Indian Penal

Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is

that the complainant, Nazma Khatoon, was married with the

petitioner, Md. Aamir @ Md. Amir, on 08.08.2015, but

thereafter, further dowry demand of Rs.1,50,000/- cash and one

Scooter was made and due to non-fulfillment of the same, the



complainant was not only tortured but was also assaulted and ultimately she was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the accusation of assault is not being corroborated by any medical opinion. The petitioner admits his marriage with the complainant and still he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

“....he is ready to settle the dispute and keep his wife with full owner and dignity.’

It appears that on joint prayer of the parties, vide order dated 10.07.2019, the matter was referred to the Mediation and Conciliation Centre of the Patna High Court by a Co-ordinate Bench of this Court. The report of the Mediator dated 26.09.2019 kept at ‘Flag-M’ reflects that one day, i.e., on 06.08.2019, the complainant appeared, but thereafter she failed to appear before the Mediator, as a result, the mediation got failed. Today also when the matter was called out none appeared on behalf of the complainant.

Considering the present stand of the petitioner, statement made in paragraph no.5 of the petition coupled with the fact that the complainant neither appeared before the



Mediation Centre nor before this Court today, 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Complaint Case No. 1667 of 2017, subject to the conditions as laid down under Section 438(2) of the 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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