

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75192 of 2018

Arising Out of PS. Case No.-790 Year-2017 Thana- COMPLAINT CASE District-
Kishanganj

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Md. Sabbir @ Md. Sabbir Alam, Son of Md. Tahir Alam alias Peshkar,
Resident of Betbari Padampur, P.S.- Dighalbank, District- Kishanganj.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Mahsari Begum, Wife of Md. Sabbir Alam, Resident of Village- Betbari Padampur, P.O.- Tarabari, P.S.- Dighalbank, District- Kishanganj, at present residing at D/o Md Mahtabuddin, Resident of Village- Gongafaila, P.S.- Dighalbank, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar
For the Respondent/s	:	Mr. Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Learned counsel for the petitioner is permitted to
make necessary correction in the petition.

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 complaint petition is
that the marriage between the complainant and the petitioner



was performed about five years prior to lodging the present case. Subsequently, they were blessed with two sons. Thereafter, further dowry demand of Rs. 2,00,000/- and one motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two 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. 11 of the petition which reads as follows:-

“11. That the petitioner is the husband of the complaint and always ready to keep her full dignity.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

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 **S.D.J.M., Kishanganj** in connection with **Complaint**



Case No. 790 of 2017, 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)

Deepak/Rahul/-

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