

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35335 of 2019

Arising Out of PS. Case No.-1079 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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PIR MOHAMMAD Son of Rafik Mian Resident of Village - Manikpur
Mishiriya Tola, P.S.- Harsidhi, Distt - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Ruhi Khatoon @ Roohi Khatoon Wife of Pir Mohammad, D/o Md. Fhim
Mian Resident of Village - Basantpur, P.S.- Muffsail Motihari, Distt - E.
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 19-09-2019 This application, for grant of anticipatory bail, arises

out of Tr. No. 2242/19 (Complaint Case No. C-1079/18),

disclosing offences under Section 498(A) of the Indian Penal

Code and Section 3 /4 of the Dowry Prohibition Act.

In this case earlier notice was issued to
complainant - opposite party no. 2 and as per office note, the
same has been received by her father and the petitioner has filed
supplementary affidavit showing the joint-ness between the
opposite party no. 2 and her father but none has appeared on
behalf of opposite party no. 2.

Petitioner happens to be husband of the complainatn
and allegation against him is of subjecting the complainant to



torture in connection with demand of dowry of Rs. One Lac and one motorcyle.

Submission of learned counsel for the petitioner is that all the allegations are false and concocted and he is still ready to keep the complainant -wife with full honour and dignity, which will appear from the fact that earlier the petitioner had filed a petition for restitution of conjugal rights before the learned Principal Judge, Family Court, Motihari, East Champaran but there also opposite party no. 2 did not appear.

Heard learned A.P.P. also.

It appears that though notice has been receiver her father but none has appeared on behalf of opposite party no. 2 nor any vakalatnama has been filed on her behalf.

Having heard both sides, in view of the above facts, let petitioner surrender in the court below within two weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Tr. No. 2242/19 (Complaint Case No. C-1079/18), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



It is further subject to the condition that if the opposite party no. 2 desires to live with the petitioner, he has to keep the opposite party no. 2 with himself with full honour and dignity.

(Vinod Kumar Sinha, J)

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