

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34390 of 2019

Arising Out of PS. Case No.-845 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

MD. HASNAIN AKHTAR @ MD. HASNAIN, Son of Naseer Ansari,
Resident of Muhalla-Nimia Tikri Akabarpur, P.S.-Rohtas, District-Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. Musarrat Jahan, Wife of Husnain Akhtar, D/o Md. Haniff, Resident of Village-Mitarsanpur, P.S.-Kutumba, District-Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Ms.Dr. Indihar Kumari

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-08-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 845 of 2018 in which cognizance has been taken under Sections 323, 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be husband of the complainant, is that he subjected his wife to humiliation for demand and ousted her from the house along with her two sons.

Submission of learned counsel for the petitioner is that opposite party No.2 has fled away from the house along with two children and for that he has filed a petition under Section 9 of Hindu Marriage Act before the Family Court,



Rohtas at Sasaram and he is still ready to keep her with dignity and care.

Heard learned APP and learned counsel for opposite party No.2, who has submitted that she is ready to reside with the petitioner if she is allowed to live with dignity and care and not subjecting her to cruelty and torture.

In view of above facts and circumstances, let petitioner surrender on 16.8.2019, on that day opposite party No.2 shall also remain present in court and on filing of an affidavit by the petitioner that he is ready to keep her with dignity and care and also ready to take her from the court itself to his house, he shall be released on provisional bail for a period of six months on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M, Aurangabad, in connection with Complaint Case No. 845 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition is that both the petitioner and opposite party No.2 shall appear in the court below in third week of every month so that the court



below will watch their marital relationship and conduct and once the court is satisfied with their conduct, specially the petitioner, his bail bonds shall be confirmed, otherwise the court is free to pass any other order, including cancellation of bail bonds of the petitioner.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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