

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38880 of 2019

Arising Out of PS. Case No.-1141 Year-2018 Thana- COMPLAINT CASE District- Araria

Md. Zulkarnain, S/o- Abdul Kalam, Resident of Village- Garaiya Lailokhan,
Ward No. 12, P.S.- Kursakanta, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Amana, W/o- Md. Zulkarnain, D/o- Md. Hasan, Resident of Village- Garaiya Lailokhan, Ward No. 12, P.S.- Kursakanta, District- Araria. At present resident of Village- Sijhua, Ward No. 11, P.S.- Kursakanta, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner. No one appears on behalf of the complainant. Learned A.P.P. for the State is present.

Petitioner in the present case is seeking anticipatory bail in connection with Complaint Case No. 1141C of 2018 in which cognizance has been taken for the offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

It is the case of the petitioner that marriage between the petitioner and opposite party no. 2 had taken place seven years ago and initially they were leading their conjugal life happily. However, the allegation against the petitioner is that he



started demanding a motorcycle and other things which led to the quarrel and the opposite party no. 2 was subjected to cruelty.

Learned counsel for the petitioner submits that he has instruction to say that petitioner is ready and willing to live happily with opposite party no. 2 by taking her to his matrimonial home where he would keep the opposite party no. 2 with full dignity and care.

Opposite party no. 2 has entered appearance but no one has appeared to oppose this application.

In the given facts and circumstances of the case, considering the nature of the case being a matrimonial dispute and further that the petitioner has come on his own to take opposite party no. 2 to her matrimonial home and live happily with her with full dignity and care, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Complaint Case No. 1141C of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

There will be an additional condition in terms of the own undertaking by the petitioner that he would visit the house of opposite party no. 2 within two weeks from today and shall bring her back to his matrimonial home where the opposite party no. 2 shall be allowed to live with full dignity and care.

In case the petitioner fails to abide by his undertaking as recorded hereinabove, it will be open to opposite party no. 2 to move an application for cancellation of bail.

(Rajeev Ranjan Prasad, J)

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