

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42569 of 2019

Arising Out of PS. Case No.-1052 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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MD MUJAHID ALI@MD MOJAID ALI @ Md. Mojahid Ali Son of late md. Eqbal Ali, Resident of Village - Khankah Chowk, P.S.- Naka, Quilla Ghat, Dist.- Darbhanga. Presently residing at Mohalla- C-247, Piragadhi camp Sakoor Basti, Depot, North West Delhi, Pin - 110056.

... .. Petitioner

Versus

1. The State of Bihar
2. Haseen Bano @ Saiba D/o Md. Haider @ Md. Mogal, wife of Mojaid Ali Resident of moh-khankaah Chowk,P.S.-5 Naka quilla ghat, Dist- Darbhanga. At Present Resident of Village - Kurji Masjid Gali, Gate No.74, P.S.- Digha, Dist.- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s :	Mr.Narendra Kumar
For the Opposite Party/s :	Mr.Rabindra Kumar
For the Complainant :	Mr. Kaushal Kishore

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-07-2019 Heard Learned counsel appearing on behalf of the petitioner and learned counsel for the opposite party No.2/Complainant.

This application for anticipatory bail arises out of Complaint Case No. 1052(C) of 2018 for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner is the husband of opposite party No.2. There is allegation of demand of dowry and torture against the petitioner and his family members.



Learned counsel appearing on behalf of the petitioner has submitted that matrimonial discord between the parties is the real reason behind the lodging of this false case.

Learned counsel appearing on behalf of the complainant, on the other hand, has submitted that this application should not be entertained as learned Court of Sessions Judge has directed, on an application filed by the petitioner for grant of anticipatory bail, to appear before the Court below and seek regular bail, to be decided on its own merit. He has also submitted that the conduct of the petitioner disentitles him from grant of privilege of anticipatory bail.

In my view, it is evident from the complaint petition and other materials on record that matrimonial dispute between the parties is at the core of the dispute. So far as submission made on behalf of complainant that this application should not have been maintained, because of the observations made by the learned Sessions Judge, cannot be accepted. By the aforesaid order, learned Sessions Judge apparently did not pass any favourable order allowing the petitioner privilege of anticipatory bail.

Considering the above, this application is allowed.

Let the petitioner above named, in the event of his



arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in Complaint Case No. 1052 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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