

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37949 of 2019

Arising Out of PS. Case No.-1175 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Md. GULAB HUSSAIN KHAN @ MD. GULAB HASAN KHAN @
GULAB HUSSAIN KHAN Son of Md. Aslam Khan Resident of Mohalla -
Raham Khan Ward No. 29, P.S.- Leharisara, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sarwati Khanam Wife of Md. Gulab Hussain Khan @ Md. Gulab Hasan Khan Resident of Mohalla - Raham Khan, P.O.- Lalbag, P.S.- Leharisara, District- Darbhanga. At present D/O- Rafiuzzaman Khan, Resident of Mohalla - Dharampur, Ward No. 2, P.S.- Town Samstipur, District- Samastipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.Jitendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 20-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1175/18 registered for offences punishable under Sections 498(A)/34 of the Indian Penal Code and Section 4 of the D.P.Act..

Allegation against the petitioner is that he has married with the complainant in the year, 2014 and later on with respect of demand of Rs.15 lac she was badly assaulted and ousted from the house.

Submission of the learned counsel for the petitioner is



that the allegation is false and concocted and he is still ready to keep the complainant with dignity and care. On the other hand the learned counsel for the O.P.no.2 has drawn my attention towards the impugned order and submitted that effort for reconciliation was made by the learned Addl. Sessions Judge but of no result due to non-appearance of the petitioner and she was also subjected to assault.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the proposal of the petitioner as the matter relates to matrimonial dispute, let the petitioner surrender before the learned court below on 16.10.2019 and if the O.P.no.2 wants to reside with the petitioner, she may also appear on 16.10.2019 and once both the parties appear and the petitioner files an affidavit that he is ready to keep her with dignity and care and will take her from the court itself, the petitioner shall be released on provisional bail for a period of six months and during that period both the parties have to appear before the court below so that the court may watch their conduct and their matrimonial relationship and one being satisfied with the conduct of both the parties specifically conduct of the petitioner, he will confirm the bail



bond of the petitioner,.

It is also made clear that if the O.P.no.2 does not choose to appear before the learned court below on the day as fixed above, let the petitioner be released on bail by the learned court below to his own satisfaction.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

