

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64578 of 2018

Arising Out of PS. Case No.-2514 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Faiyaj Alam @ Faraaj S/o Alamgeer Mian, R/o Village- Langdi, P.S.- Lauriya,
District- West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Farjana Khatoon W/o Faiyaj Alam @ Faraaj, D/o Rahman Mian, R/o Village- Langdi P.S.- Lauriya, Dist.- West Champaran. At present R/o Village- Indra Tola Mudila, Ramnagar, P.S.- Ramnagar, Dist.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Section 498A of the Indian Penal
Code against the petitioner and under Section 323 of the IPC
against other co-accused persons.

The prosecution case, as per the complaint petition, is



that the marriage between the complainant and the petitioner was performed three years prior to the filing of the complaint petition but subsequent to the marriage, there was further dowry demand of a motorcycle and for non-fulfillment of the same, torture was inflicted upon the complainant. It is also alleged that by virtue of administering of some medicine the pregnancy of the complainant got terminated and on 02.11.2015, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and there is no medical opinion on record to corroborate the accusation of termination of pregnancy. The petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is ready and desirous to keep the complainant and similar was his stand even before the court below but she refused to live with the petitioner on false pretext on instigation of her family members.”

It is further submitted that similar was the stand of the petitioner before the learned Court below but the complainant



refused to resume the conjugal life which gets reflected from the impugned order.

Learned APP, however, submits that the thrust of accusation is against the petitioner.

It appears that a Bench of this Court vide order dated 13.12.2018 issued notice to the complainant-opposite party no. 2. The office note dated 15.03.2019 reflects that the ordinary process of notice has been served upon the complainant but none is appearing on behalf of opposite party no. 2.

In the circumstances, considering the nature of accusation and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 2514C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the grant of bail to the petitioner will not preclude the complainant to resume the conjugal life. If the complainant files such an application before the learned Court



below then the petitioner will be obliged to comply the
undertaking given before this Court.

(Dinesh Kumar Singh, J)

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