

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64936 of 2018

Arising Out of PS. Case No.-853 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Amiruddin @ Md. Amiruddin Anari @ Munieuddin Ansari @ Guddu, S/o
Md. Kamaluddin Ansari, Resident of Village-Ajwan, P.S. Naubatpur, Distt.-
Patna

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Maimun Khatoon, D/o Md. Nisar Ansari, Resident of Village-Bajitpur, P.S.
Maner, Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma
For the Opposite Party/s : Mr.Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 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 offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case as per the complaint petition is
that the marriage between the complainant and the petitioner
was performed on 30.06.2015 but subsequent to the marriage,
there was further dowry demand of Rs.50,000/- and for non-
fulfillment of the same, torture was inflicted upon the



complainant and ultimately, 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 is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full honour and dignity .”

It is further submitted that similar was the stand of the petitioner before the learned Court below but the complainant in spite of valid service of notice chose not to appear since she has illicit relationship with her maternal brother 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 08.02.2019 reflects that opposite party no. 2 refused to receive ordinary process of notice, whereas, registered cover of notice has been returned undelivered. In the circumstances, the notices issued to opposite party no. 2 deemed



to be validly served. Today 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, Danapur, Patna in connection with Complaint Case No. 853© of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the grant of bail to the petitioner, in no way, will 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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