

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46187 of 2019

Arising Out of PS. Case No.-1158 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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MD. MANSOOR @ MD. MANSOOR IQBAL, aged about 35 years, Male,
Son of Late Md. Sadik Resident of Village-Gajabaja, P.S.-Bithan, District-
Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Shahnaj Khatoon, aged about 26 years, Female, Wife of Md. Mansoor @
Md. Mansoor Iqbal D/o Md. Maqbool Resident of Village-Mujahida, P.S.-
Parbatta, District-Khagaria.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Ms.Renu Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-09-2019 Heard learned counsel for the petitioner and learned
counsel for the complainant-opposite party no. 2.

The petitioner is seeking anticipatory bail in
connection with Complaint Case No. 1158C/2017 registered
under Sections 147/148/149/323/379/498A & 504/506/34 of the
Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
petitioner is ready an willing to take back his wife
(complainant-opposite party no. 2) to her matrimonial home
and live with her with full dignity and care. It is submitted that
the petitioner will visit the Maike/house of the complainant-
opposite party no. 2 within two weeks from today and shall



bring her back.

Learned counsel for the complainant-opposite party no. 2 submits that if the petitioner visits her Maiké/house within the aforesaid period she will definitely accompany him and shall live with the petitioner with full dignity in his house.

At this stage, learned counsel for the petitioner has expressed his apprehension that if he goes to the house of complainant-opposite party no. 2 he may be subjected to assault or harassment. Learned counsel for the complainant-opposite party no. 2 submits that these are mere unfounded and baseless apprehension of the petitioner as it will be the responsibility of complainant-opposite party no. 2 and her family to take care of the petitioner when he visits the house of complainant-opposite party no. 2.

Considering the facts and circumstances of the case where the parties are willing to amicably resolve the dispute and learned counsel for complainant-opposite party no. 2 has made a statement that after living for some time in the company of this petitioner the complainant-opposite party no. 2 shall also withdraw the divorce suit, let the petitioner above-named be enlarged on bail furnishing previous bail bond which has been submitted by the petitioner on 26.07.2019.



The provisional anticipatory bail of the petitioner granted on 26.07.2019 is confirmed, subject to the conditions under Section 438(2) Cr.P.C., and further condition that the petitioner shall abide by his undertaking to take back the complainant-opposite party no. 2 within two weeks from today to his matrimonial home.

In case, any breach of undertaking and any of the conditions mentioned above have been found, it will be open for the complainant-opposite party no. 2 to file an application for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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