

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63134 of 2018

Arising Out of PS. Case No.-1630 Year-2012 Thana- COMPLAINT CASE District-
Kishanganj

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Qutub Ali Son of Md. Yunus Resident of Bauralimath, Police Station-
Bhangor, District- 24 Pargana West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Afsana Begum wife of Qutub Ali, Daughter of Md. Jahangir resident of
Gariban Mohallah Police Station and District- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh

For the Opposite Party/s : Mr.Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-01-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant 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 of the complainant with the petitioner was
performed one year prior to the lodging of the complaint, but
after some time, the torture was inflicted upon the complainant
due to the non-fulfillment of further demand of dowry of



Rs.Fifty thousand and two bhari of gold.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of three children. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 7 of the petition.

Learned counsel for the complainant submits that the complaint was filed in 2012, cognizance was taken vide order dated 19.03.2013 but the petitioner failed to appear. The certified copy of the order sheet of learned Court below passed in Complaint Case No. 1630 of 2012 has been brought on record. Let it be kept on record. The order dated 06.04.2018 reflects that vide order dated 20.03.2013, bailable warrant of arrest was issued against the petitioner, subsequently vide order dated 28.01.2014, non-bailable warrant of arrest was issued, on 07.03.2014 process under Section 82 of the Cr.P.C. was issued and vide order dated 08.08.2014 process under Section 83 of the Cr.P.C. was issued and subsequently, he was declared absconder.

In view of the ratio laid down in the case of *Lavesh Vrs. State (NCT of Delhi)* reported in (2012) 8 SCC 730 and in the case of *State of Madhya Pradesh Vrs. Pradeep Sharma*



reported in (2014) 2 SCC 171, the anticipatory bail application is not maintainable.

However, keeping in view the present stand of the petitioner, the learned Court below may consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of four weeks from today, in connection with Complaint Case No. 1630 of 2012, pending in the Court of learned Sub-divisional Judicial Magistrate, Kishanganj.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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