

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45988 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- MAHILA PS District- Katihar

MD. IRFAN @ MD. IRFAN ALAM Son of Md. Nayim Alam Resident of Village-Chaudhary Mohalla, At present-Rampara, In house of Shamsul Contractor, P.S-Katihar town, District-Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nimmi Khatoon W/o Md. Irfan Resident of Choudhary Mohalla, In the house of Shamsul Contractor, P.S-Katihar town, At present-Bara Bazar, Churi patti, P.S-Katihar town, District-Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-07-2019 Heard both sides.

The petitioner apprehends his arrest in Katihar Mahila P.S. case No. 7/ 2019 for the offences registered under Section 498A, 354, 341, 379. 323/34 of the IPC and u/s 3/4 of Dowry Prohibition Act.

The informant, wife of the petitioner, made allegation of demand of dowry and torture and alleged that on 19.01.2019 the petitioner assaulted her and drove her out from the house after snatching her belongings.

The learned counsel for the petitioner submits that petitioner is ready to keep his wife with all honour and dignity. The petitioner also filed a petition for restitution of conjugal rights being Matrimonial case No. 67 of 2019 on 01.02.2019, of course, the Matrimonial suit is after institution of the present FIR.



Taking into consideration the facts that petitioner is ready to keep his wife with all honour and dignity, the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order and on such the learned court below shall enlarge the petitioner on provisional anticipatory bail for four months on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Mahila P.S. case No. 7 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The learned court below shall make all efforts for resolving the dispute between the husband and wife and if the petitioner is ready to keep his wife properly the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife properly, the learned court below shall pass order on the provisional bail of the petitioner, in accordance with law, immediately after four months.

(Prabhat Kumar Jha, J)

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