

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46656 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHILA P.S. District- Madhubani

Md. Mumtaj @ Md. Mamtaj, Aged about 25 years, Male, Son of Md. Akhlak,
Resident of Village Sangram, P.S. Araria Sangram (O.P.), District Madhubani.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahana Khatoon, Aged about 21 years, Female, Wife of Md. Mumtaj,
Resident of Village Sangram, P.S. Araria Sangram (O.P.), District
Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Learned counsel for the informant appeared by filing
Vakalatnama. Let the same be kept on record.

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and the learned counsel
appearing on behalf of the informant.

Petitioner apprehends his arrest in Madhubani Mahila P.S.
Case No.1 of 2019, registered under Section 498A and other sections
of the Indian Penal Code as well as under Sections 3 and 4 of the
Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
petitioner is the husband and he is ready to keep his wife with all
honour and dignity. On such submission, learned counsel for the
informant drew the attention of this Court to the order of the learned
Additional Sessions Judge and submits that although the petitioner



undertook to keep his wife but the petitioner did not take his wife and fled away from his house also. It is submitted that the informant is also ready to live with her husband provided her husband keeps her with honour and dignity.

Taking into consideration the fact that the husband and the wife are willing to restore their conjugal relations, petitioner is directed to surrender in the court below within six weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Madhubani in connection with Madhubani Mahila P.S. Case No.1 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C. Thereafter the learned court below shall take all efforts for resolution of the disputes between the husband and the wife. If the petitioner keeps his wife with all honour and dignity, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife without any fault of the wife, the learned court below shall pass order on the provisional bail of the petitioner in accordance with law immediately after lapse of four months.

(Prabhat Kumar Jha, J)

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