

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48907 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA P.S. District- Bhojpur

MD. KASIM @ MD. QASIM Son of Md. Hanif Resident of Sattar Building,
Mayur Bhanj Road, Khidirpur, P.S.- Ekbalpur, District- Kolkata (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajia Khatoon D/O - Barkat Mian, Wife of Md. Kasim Resident of Village -
Kaskara, P.O.- Khundeshwar, P.S.- Sahpur, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Madhuri Lata, APP
For the Informant	:	Mr. Arun Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and learned
counsel for the O. P. No. 2 as also for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Mahila (Bhojpur) P.S. Case No. 21 of 2018
registered for the offences punishable under Sections 498A, 379,
506/34 of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

Learned counsel for the petitioner has drawn the
attention of this Court towards the observation recorded in the
impugned order passed by learned Sessions Judge, Bhojpur Ara. It
is submitted that the petitioner has expressed his intention to keep
the opposite party no. 2 with himself as wife with full dignity and
care where the petitioner is presently working as taxi driver at



Kolkata as per instruction.

Learned counsel for the O. P. No. 2 submits that though the O. P. No. 2 is willing to live with her husband (petitioner) but she apprehends that the stand being taken by the petitioner before this Court is a mere pretext and he is not taking this plea with all bonafide.

Learned counsel has, however, submitted that if the petitioner is directed to take O. P. No. 2 along with him where he is residing, the O. P. No. 2 will have no objection to grant him privilege of anticipatory bail.

Having heard learned counsel for the parties, in the given facts and circumstances of the case, let the petitioner above named in case of his arrest or surrender within a period of six weeks from today in connection with Mahila (Bhojpur) P.S. Case No. 21 of 2018 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Ara, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition in terms of own undertaking of the petitioner through his learned Advocate that the petitioner shall at the time of surrender in the court below for submitting the bail bonds ensure that the O. P. No. 2 be informed about the date of his surrender atleast three days before the date of surrender and on the said date the O. P. No. 2 shall be present in the court below from where the petitioner will take her along with him to her matrimonial home where he is presently working and shall live with the O. P. No. 2 with full dignity and care as his lawful wife. The court below shall before releasing the petitioner ensure that the O. P. No. 2 has been duly informed about the date and in her presence the order be passed.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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