

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49150 of 2019

Arising Out of PS. Case No.-1637 Year-2017 Thana- SIWAN COMPLAINT CASE District-
Siwan

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MOHAMMAD HASAN @ MD. HASAN Son of Md. Bishmillah @
Mohammad Bismila Shah Resident of Village - Navka Tola, Khanpur, P.O.
and P.S.- Thawey, District- Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Rubi Khatoon Wife of Md. Hasan, D/O - Haidar Ali Resident of Village -
Surwala, P.S.- Gautam Budh Nagar (Tarwara), District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1637 of 2017 (Tr. No.3700 of 2018) registered for offences punishable under Sections 323, 406, 498A of the Indian Penal Code and Section 4 and 5 of the D.P.Act..

As per the complaint petition, the petitioner happens to be husband of the complainant . There is allegation of demand and torture.

Submission of the learned counsel for the petitioner is that the allegation is false and concocted and he is still ready to keep her with dignity and care .



On the other hand the learned counsel for the O.P.no.2 has submitted before the learned court below that he was directed to bring her wife back from the *Naihar* but he has not brought her back , as such he is taking a false plea and in spite of that he is ready to bring her and she is also ready to reside with the petitioner unless she is allowed to live with dignity and care.

Heard learned A.P.P. also.

Having heard both sides and in view of stands of the parties, this application is disposed of with direction to the petitioner to surrender before the learned court below on 15.11.2019 and on that day O.P.no2. shall also remain present in the court and on filing an affidavit by the petitioner that he is ready to take her from the court below itself and he will keep her with dignity and care, the petitioner shall be released on provisional bail in connection with Complaint Case No.1637 of 2017 (Tr. No.3700 of 2018) for a period of six months and during that period both the parties have to appear before the learned court below on 4th week of each month so that the learned court below may inquire about the conduct of the parties and their matrimonial relationship and once being satisfied with the conduct of both the parties especially conduct of the petitioner, he will confirm the bail bond of the petitioner,



otherwise he is free to pass any order or orders as he deems fit and proper including cancelling the bail bond of the petitioner.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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