

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51343 of 2019

Arising Out of PS. Case No.-550 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

MD. HASHIM ANSARI Son of Late Rajjaque Mian R/o Village-
Maharajganj, P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Smt. Shamima Bano W/o Md. Hashim Ansari, D/o Rahamath Ali @ Rahmat Ansari Resident of Village- Ramanagar, P.S.- Thandwa, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar
For the Opposite Party/s	:	Mr.Dashrath Mehta
For the O.P. No. 2	:	Mr. Kamendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 18-12-2019 Heard learned Counsel for the petitioner, learned Counsel or the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 550 of 2015, in which cognizance has been taken for the offences punishable under Sections 498-A/448/323/380/34 of the Indian Penal Code.

The allegation against the petitioner, on the basis of the complaint of Opposite Party No. 2, is that the marriage of the complainant was solemnized with the petitioner in the year 2014 and after some time, the petitioner started demanding



Rs. 1,00,000/- and one motorcycle as dowry and due to non-fulfillment of the same, the complainant was subjected to cruelty and was being assaulted, mentally and physically by the petitioner.

Learned Counsel for the petitioner is present along with his client. He, upon instructions, submits that the petitioner is ready to keep Opposite Party No. 2 as his wife with all care, honour and dignity and is ready to take her to Bangalore, where he is working at present.

Learned Counsel for the Opposite Party No. 2 is also present along with his client and upon instruction, submits that the Opposite Party No. 2 is also ready to accompany the petitioner to Bangalore and is ready to live with the petitioner over there.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are ready to settle their disputes amicably and the petitioner and the Opposite Party No. 2 are ready to live together as husband and wife at Bangalore, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Md. Hashim Ansari, in the event



of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad, in connection with Complaint Case No. 550 of 2015, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure and (ii) the petitioner will take his wife- Opposite Party No. 2 to Bangalore and keep her over there .

It is made clear that if the petitioner will repeat the assault on Opposite Party No. 2, the Opposite Party No. 2 will be at liberty to file appropriate application before appropriate forum.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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