

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60624 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

Md. Ejaj Prawez @ Md. Ezaz Parvej @ Mohd. Aijaz Parwaiz, Aged about 37 years, Male, S/o Md. Mumtaj Chand, R/o village Majhaulia, P.S. Sadar, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Juhi Praveen, W/o Md. Ejaz Perwez @ Md. Ejaj Perwez @ Md. Eaijaj Perwaiz R/o village- Majhaulia, P.S.- Sadar, District- Muzaffarpur. At present D/o Abdul Malik, R/o village- Nocha, P.S.- Bela, Post Office- Bela, District- Sitamarhi.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mazharul Hassan  
For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      17-10-2019                      Heard both sides.

The petitioner apprehends his arrest in Sitamarhi Mahila P.S. Case No.40 of 2018, registered under Section 498A and other sections of the Indian Penal Code and  $\frac{3}{4}$  of the Dowry Prohibition Act.

The informant is the wife of the petitioner. The informant made allegation of demand of dowry and torture against the petitioner.

Learned counsel for the petitioner submits that from the contents of the FIR, it would appear that the informant is said to have been driven out from the house of the petitioner on



30.12.2016 but the informant lodged this case only on 22.09.2018, i.e., approximately after two years from the occurrence. It is further submitted that the petitioner, before institution of the case, filed Divorce Case No.377 of 2017. The husband and the wife compromised the case and filed compromise petition on 18.03.2019 stating therein that the husband and the wife after sinking their differences were living together but again when the petitioner filed anticipatory bail petition, the wife of the petitioner objected the grant of anticipatory bail. It is further submitted that the petitioner is ready to keep his wife with all honour and dignity and he is ready also to give undertaking in the court to keep his wife.

Mr. Nilesh Jha, the learned counsel for the informant submits that the informant is a teacher but her husband, the petitioner, did not wish to keep her properly. The wife went to the house of the petitioner but again the petitioner left her and fled away from there. If the petitioner undertakes to keep her properly, the informant has got no objection if the petitioner is granted anticipatory bail.

Having considered the facts, it appears that the husband and the wife are willing to restore their conjugal relation but on account of some petty disputes even after



compromise, both started quarreling with each other. Now the husband is ready to keep his wife after giving undertaking in the court to keep her properly.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail 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., Sitamarhi in connection with Sitamarhi Mahila P.S. Case No.40 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure and further subject to the condition that the petitioner shall file an undertaking before the court that he shall keep his wife with all honour and dignity.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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