

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57673 of 2019

Arising Out of PS. Case No.-776 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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Rafiq Alam @ Rafique Alam, Son of Matabar Ali @ Matabul Haque,
Resident of Village - Kacchubari (Chakla Belwa), P.S.- Kishanganj, District -
Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar
2. Noor Bano Khatoon, Wife of Rafiq Alam, D/O Tamizuddin, Resident of
Village - Kacchubari (Chakla Belwa), P.S.- Kishanganj, District -
Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-11-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. C776 of 2018, disclosing

offence under Section 498A of the Indian Penal Code.

As per complaint petition, there is allegation against
the petitioner of demand of Rs.50,000/- and for that, subjecting
her to torture.

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

On the other hand, the opposite party no.2 has
appeared and submitted that before the learned court below no
such plea has been taken, but in spite of that, after some



arguments, the learned counsel for the complainant agreed to reside with the petitioner, if she is allowed to live with full dignity and care.

In such view of the stand of the parties, let the petitioner, above named, surrender before the learned court below on 04.12.2019 and on that day the opposite party no.2 shall also remain present in the Court, if the opposite party no.2 is ready to reside with the petitioner, the petitioner shall file an affidavit that he is ready to keep her with full dignity and care and to take her from the Court itself, he will be released on provisional bail for a period of six months. During that period, the learned court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the third week of each month before the learned court below. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the provisional bail granted to the petitioner shall be confirmed, otherwise, he is free to pass any other order or orders, which may be deemed fit and proper, including cancelling the bail bonds of the petitioner.

It is needless to say that if the opposite party no.2 does not appear before the court below or is not ready to reside



with the petitioner, in that case also, the learned court below shall release the petitioner on bail on his own satisfaction.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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