

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67348 of 2019

Arising Out of PS. Case No.-2978 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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Ishrat Ali @ Md. Ishrat Ali, Son of Md. Shaukat Ali Shah Resident of Village
- Koreya, P.S.- Bheldi, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabaya Khatoon, Wife of Ishrat Ali @ Md. Ishrat Ali, D/O - Md. Ishaq
Resident of Village - Koreya, P.S.- Bheldi, District- Saran. At present
Resident of Village - Hansapir, P.S.- Mashrak, District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Advocate
For the State	:	Mr. Shaheen Begum, APP
For the Opposite Party no.2	:	Mr. Jitendra Nagran, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-12-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. C-2978 of 2018,

disclosing offence under Section 498A of the Indian Penal

Code.

As per complaint case, there is allegation against the
petitioner, who happens to be the husband of the complainant of
torturing her with respect to demand.

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, learned counsel for the opposite



party no.2 has submitted that she is also ready to reside with the petitioner, if she is allowed to live with full dignity and care and not subjected to cruelty.

Considering the stand of the parties, let the petitioner, above named, surrender before the learned court below by 10.01.2020 and on that day the opposite party no.2 shall also remain present in the Court, and further on filing of an affidavit by the petitioner that he is ready to keep her with full dignity and care and to take her from the Court itself, then the court below shall be released him 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 second week of each month before the learned court below. Once being satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the court below shall confirm the provisional bail granted to the petitioner, vide order dated 06.11.2019, otherwise, he is free to pass any other order or orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

At the same time, it is also made clear that if the opposite party no.2 is not ready to reside with the petitioner, or



does not chose to appear before the court below on the date fixed, the provisional bail granted to the petitioner, shall be confirmed by the learned court below.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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