

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81097 of 2019

Arising Out of PS. Case No.-338 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Saddam, S/o Md. Kasim Miyan, R/o village- Konchi, P.O.- Rahiyar, P.S.-
Hathauri, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahana Khatoon, W/o Md. Saddam, R/o village- Dharampur Rahua, P.S.-
Roseri, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed three years prior to the lodging of the case, but
subsequent to the marriage there was further demand of dowry
of Rs.50,000/- and for non-fulfillment of the same, torture was



inflicted upon the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, but statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Rosera, Samastipur in connection with Complaint Case No. 338 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the



complainant fails to appear before the learned Court below, or
(iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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