

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82908 of 2019

Arising Out of PS. Case No.-221 Year-2019 Thana- PIRBAHOR District- Patna

Shahbaaz Sikandar @ Md. Sikandar Mallick @ Laddu Son of Late Md. Geyasuddin @ Sultan Ahmad Resident of Village - Belauva, P.O. Nahub, P.S.- Rajgir, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Arshia Khanam Wife of Shahbaaz Sikandar @ Md. Sikandar Mallick @ Laddu daughter of Mr. Afzal Ahmad, Resident of Mallick Manzil, Ramna Road, P.S. Peerbahore, District - Patna-800004

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Arshad Jameel Hashmi, Advocate
For the State : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection with Peerbahore P.S. Case No 221 of 2019 for offences under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of the informant and the marriage took place on 23.07.2015 according to Muslim rites and customs. It is alleged that for demand of dowry, the informant was ill-treated and subjected to cruelty. Further allegation is that the petitioner has solemnized second marriage.

Learned counsel for the petitioner submits that the petitioner has not solemnized marriage and he is ready to keep



his wife with full honour and dignity provided she is not treated with cruelty.

In order to restore conjugal right between the parties, this Court is inclined to grant indulgence on the condition that the petitioner shall keep his wife with full honour and dignity.

Considering the aforesaid aspect of the matter, this Court is inclined to grant bail to the petitioner. Let the petitioner, above-named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Peerbahore P.S. Case No. 221 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that in the event any type of torture and cruelty is meted out to the informant, liberty shall be available to the informant to approach the concerned court below for cancellation of bail bond of the petitioner and the court below shall cancel his bond.

(Anil Kumar Upadhyay, J)

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