

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83793 of 2019

Arising Out of PS. Case No.-268 Year-2018 Thana- COMPLAINT CASE District- Supaul

MD. ILYASH SAFI Son of Md. Israil Safi Resident of Village - Duaniya,
Panchayat Bhawanipur North, P.S.- Pratapganj, Distt - Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Besha Khatoon @ Rabesha Khatoon Wife of Md. Ilyash Safi, D/o Md. Atabul Safi Resident at Birpur, Ward No. 11, P.S.- Birpur, Distt - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the complainant, is apprehending 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 complainant is that the marriage of the complainant was performed with the petitioner six years ago, but subsequent to the marriage, further dowry demand of Rupees Two Lacs was made.

Learned counsel for the petitioner submits that the



petitioner admits his marriage with the complainant and birth of two female children out of the wedlock. It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That, the petitioner is husband and is ready to keep her as legally married wife with full decorum and dignity.”

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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Birpur, Supaul, in connection with Complaint Case No. 268C 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 keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by 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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