

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4652 of 2020

Arising Out of PS. Case No.-421 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

MD. NAUSHAD Son of Late Jamiruddin Ansari Resident of Village -
Kashmirganj, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nikhat Praveen @ Afshana Wife of Md. Naushad and D/O - Muzibur Rahman Ansari Resident of Village - Kashmirganj, P.S.- Masaurhi, District- Patna and Maikhe Village - Milki, P.O.- Gorakhari, P.S.- Bikram, District- Patna at present resident of Ajmerinagar Bihta, P.S.- Bihta, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsels for the parties.

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 offences punishable under section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the marriage of the complainant with the petitioner was performed on 25.2.2017 but subsequent to the marriage further dowry demand of Rupees Fifty Thousand and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted



upon the complainant and ultimately she was driven out of the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 15 of the petition which reads as follows:

“That petitioner is always ready to keep the complainant with full honour and dignity but she herself not ready to live with the petitioner at village home at the instance of her parents.”

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Danapur in connection with Complaint Case No. 421C of 2018 subject to the conditions laid down in 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 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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