

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19662 of 2020

Arising Out of PS. Case No.-23 Year-2018 Thana- MAHILA P.S. District- Madhubani

MD. IRFAN Son of Israil Resident of Village - Chhachhua, P.S.- Bisfi, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahzadi Khatoon W/o Md. Irfan Resident of Village - Mominpur, P.S.- Sakari, Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 The matter has been taken up through virtual court proceeding.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the complainant/informant, who is apprehending his arrest, has



preferred the present application for grant of bail in a case registered for the offences punishable under Sections 323, 341, 379, 498A, 504 and 506 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated upon filing of Complaint Case No. 627(CIS)/693(CR) of 2016 by the complainant, which got registered as Madhubani Mahila P.S. Case No. 23 of 2018, after the same being transferred under Section 156(3) of the Cr. P.C. On conclusion of investigation, the petitioner was not sent up for trial, but subsequently, on protest petition, being Protest-cum-Complaint Case No. 80 of 2019, being filed by the complainant, cognizance has been taken under Section 498A of the IPC.

The prosecution case is to the effect that the complainant was married with the petitioner about 12 years prior of the filing of the present case. Subsequently, they were blessed with two children, but thereafter, further dowry demand of Rs. 1 lac was made and due to non-fulfillment of the same, the complainant was tortured and assaulted by all the accused persons including the petitioner and ultimately, on 09.07.2016, after snatching all the belongings, she was driven out from her matrimonial house.



It is submitted by learned counsel for the petitioner that earlier, the complainant also filed Complaint Case No. Cr/627/693 of 2016, with the similar accusation, in which the petitioner has been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 19.02.2018, passed in Cr. Misc. No. 5977 of 2018. The petitioner admits his marriage with the complainant. The complainant has also filed Maintenance Case No. 166 of 2016, which is pending before the learned Principal Judge, Family Court, Madhubani. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, though statement to that effect has not been made in the petition.

Considering the fact that in the another case, filed by the complainant with similar accusation, the petitioner has been granted anticipatory bail by a Co-ordinate bench of this Court and the present stand of the petitioner to the effect that he is ready to keep the complainant as wife with full dignity and honour, let the petitioner above named be released on bail for the present provisionally for a period of six months on surrender/ arrest before the learned Court below within a period of three weeks from today, on furnishing one surety to the satisfaction of the learned SDJM, Madhubani in connection with



Complaint Case No. 80 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The learned Court below will issue notice to the complainant/informant and on her appearance the petitioner will take the complainant/informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below within six months 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 deliberately gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, Madhubani in connection with Complaint Case No. 80 of 2019.

The learned Court below will be at liberty to extend



the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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