

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18360 of 2020

Arising Out of PS. Case No.-1178 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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Liyakat Hussain Son of Jalil Miya Resident of Village - Shampur, P.S.-
Esuapur, Distt - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasima Khatoon Wife of Liyakat Hussain Resident of Village - Shampur,
P.S.- Esuapur, Distt - Saran. At present D/o Abdul Gaffur, Resident of
Repupra, P.S.- Madhora, Distt - Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the complainant,
who is languishing in custody since 23.01.2020, has preferred
the present application for grant of bail 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 Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint case, is
that the complaint was married with the petitioner on



28.05.2014, but subsequent to the marriage, further dowry demand of Rs. 50,000/- was made and due to non-fulfillment of the same, the complainant was tortured and assaulted by all the accused persons including the petitioner.

Earlier the petitioner was granted provisional anticipatory bail for six months by a co-ordinate bench of this Court when the provisional bail was to be confirmed on resumption of conjugal life, but the petitioner misused the privilege of bail by torturing the complainant, as a result, the provisional bail of the petitioner was not confirmed. Hence, the present application.

It is submitted by learned counsel for the petitioner that marriage between the petitioner and the complainant is admitted. Initially, the petitioner was ready to keep the complainant as wife with full dignity and honour, but now the petitioner has filed Matrimonial Suit No. 245 of 2019 with a prayer for divorce, hence the petitioner is not ready to keep the complainant. It is further submitted that the investigation has already been concluded and the petitioner is languishing in custody since 23.01.2020.

Learned APP submits that the petitioner was earlier granted provisional anticipatory bail, but he failed to comply the



undertaking given before this Court.

Considering the nature of accusation, period under custody and the investigation already being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned SDJM, Chapra, Saran in connection with Complaint Case No. 1178 of 2017.

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 provisional bail of the petitioner will be confirmed by the learned Court below within three months 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, Chapra, Saran in connection with Complaint Case No. 1178 of 2017.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over



in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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