

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20626 of 2020

Arising Out of PS. Case No.-1315 Year-2019 Thana- COMPLAINT CASE District- Araria

ABDUR RAZZAQUE S/o Kais Alam Resident of Village-Mashaily, Ward no.1, P.S-Baousi, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The matter has been taken up in a court proceeding conducted through virtual mode.

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, complainant and the State.

The petitioner, being the husband of the complainant is apprehending his arrest in a complaint case, wherein process



has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the IPC.

The prosecution case, as per the complaint case, is to the effect that the complainant was married with the petitioner on 16.08.2016, but subsequently, due to non-fulfillment of adequate dowry demand, torture was inflicted upon the complainant by all the accused persons including the petitioner, leading to filing of the present complaint.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 12 of the petition which reads as follows:

“That the petitioner is always ready to keep his wife with full dignity and respect.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below after resumption of court proceeding in physical mode, on 24th of August, 2020 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

On 24th of August, 2020 if the functioning of court in physical mode does not resume, then the learned Court below



will fix further date for appearance of both sides.

Considering the present stand of the petitioner, as quoted above to the effect that the petitioner is ready to keep the complainant as wife with full dignity and honour, which is being accepted by the complainant, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned Judicial Magistrate, 2nd Class, Araria in connection with Complaint Case No. 1315C 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 provisional bail of the petitioner will be confirmed by the learned Court below within a period of six weeks 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



reluctantly refuse to resolve 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 Judicial Magistrate, 2nd Class, Araria in connection with Complaint Case No. 1315C 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 six months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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