

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20738 of 2020

Arising Out of PS. Case No.-1067 Year-2019 Thana- COMPLAINT CASE District- Araria

Asim Brad @ Md. Asim @ Asim Bad Son of Hafij Badruddin Resident of
Village - Doriya Sonapur, P.S.- Araria, Distt - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rumana Prabin Wife of Asim Brad @ Md. Asim @ Asim Bad D/o Aabid Alam Resident of Village - Chanardai, P.S.- Araria, Distt - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Yadav

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.



The petitioner, being the husband of the complainant , is apprehending his arrest in a complaint case filed with accusation punishable for the offences punishable under Sections 498A, 384, 420 and 120B/34 of the Indian Penal Code.

The prosecution case, as per the complaint petition, is that the marriage between the complainant and the petitioner was performed on 16.03.2013 and thereafter, they were blessed a female child but subsequently, further dowry demand of Rs.Two lakhs was made and for non-fulfillment of the same, torture was inflicted upon the complainant. On 03.03.2019 the the complainant was driven out from her matrimonial home after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is ready to live the complaint full dignity and honour, providing them all necessary goods like food, medicine etc.”

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

Considering the present stand of the petitioner as



quoted above, 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 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 1067C of 2019.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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 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 gets reluctant to reconcile the issue, on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 1067C of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next six months.

(Dinesh Kumar Singh, J)

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