

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20669 of 2020

Arising Out of PS. Case No.-1091 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Zuber Alam S/O - Late Abdul Kadir Resident of Village - Bara Ishtambarar, P.S. - Jokihat, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shahanshah Begam W/O- Md. Zuber Alam D/O- Md. Shamshad Alam, Resident of Village - Bara Ishtambarar, P.S. - Jokihat, District - Araria at Present resident of Village - Hatgaon, Ward No. -7, P.S. - Palasi, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

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

Learned counsel for the petitioner is expected to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within the undertaken period, the office shall place the matter



before the bench.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner, being 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 Section 498A/34 of the Indian Penal Code, 1860.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner one year prior to the institution of the present complaint. Subsequently, they were blessed with a baby girl but the complainant was forced for getting it terminated. There was also further dowry demand of rupees two lakhs and due to non-fulfillment of same, torture was inflicted and the petitioner performed second marriage.

Learned counsel for the petitioner submits that petitioner is ready to keep the complainant as wife with



full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as under:-

"That the petitioner is husband of the complainant and ready to keep the complainant with full dignity and honour."

Learned A.P.P for the State submits that thrust of accusation is against the husband of the complainant.

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 Judicial Magistrate, IIInd Class, Araria in connection with Complaint Case No. 1091C 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 Judicial Magistrate, IInd Class, Araria in connection with Complaint Case No. 1091C 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.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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