

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20504 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- AAJAM NAGAR District- Katihar

Md. Masood Son of Late Md. Jasir Resident of Village- Sandha, P.S.-
Azamnagar (Salmari O.P.), District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rasulan Khatoon Wife of Md. Masood Resident of Village- Sandha, P.S.-
Azamnagar (Salmari O.P.), District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2020 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 informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 379/34 of the Indian Penal Code, 1860 and Section 3 /4 of the Dowry Prohibition Act.

The prosecution case as per the fardbeyan of Rasulan Khatoon is to the effect that informant was married with the petitioner about ten years prior to the lodging of the case. However, subsequent to the marriage, further dowry demand of five lakhs rupees and motorcycle was made and for non-fulfillment of the same, torture was inflicted. On 15.09.2019, the accused persons made assault to the informant when she was admitted in Barsoi hospital.

Learned counsel for the petitioner submits that petitioner admits his marriage with the informant and is ready to keep her with dignity and honour. A statement



to that effect has been made in para 6 of the petition
which reads as under:-

*"That it is stated that the petitioner is
ready to keep the informant with full dignity and
honour."*

Learned counsel for the State submits that
thrust of accusation is against the husband of the
informant.

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
Sub-divisional Judicial Magistrate, Katihar in connection
with Azamnagar (Salmari O.P.) P.S. Case No. 252 of
2019.

Let the learned Court below issue notice to the
informant for her appearance. On her appearance, the
petitioner will take the informant 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 informant fails to appear before the learned Court below, or (iii) if the informant 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 Sub-divisional Judicial Magistrate, Katihar in connection with Azamnagar



(Salmari O.P.) P.S. Case No. 252 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)

Shageer/-

U		T	
---	--	---	--

