

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20192 of 2020

Arising Out of PS. Case No.-688 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Dastagir S/o Late Mobarak Resident of Rustikar, P.S.- Thakur Gungri,
District- Godda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sabina Khatoon @ Mano W/o Md. Dastagir, D/o Late Shamsul Hoda
R/o village- Sunderpur, P.S.- Peerpaithi, District- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Firoz Ahmad

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The matter has been taken up through virtual

Court proceeding.

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 undertakes 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 counsel 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 Sections 323 and 498A of the Indian Penal Code, 1860.

The prosecution case as per the complaint filed by Bibi Sabina Khatoon submitted before the Chief Judicial Magistrate, Bhagalpur is to the effect that complainant was married with the petitioner on 26.05.2008. For few months, the matrimonial relationship between the complainant and her husband was cordial but thereafter, torture was inflicted for non fulfillment of further dowry demand at the hands of the petitioner and in-laws family members. Subsequently, the complainant was blessed with a female child who was impaired by the visionary capacity due to lack of



proper nutrition.

It is submitted by learned counsel for the petitioner that petitioner is ready to keep the complainant with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as under:-

"10.That the petitioner is ready to keep the complainant with love, affection and dignity."

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

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 6 weeks from today, be released on provisional anticipatory bail for six months, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint Case No. 688 of 2019.



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

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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