

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19811 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- BAGENGOLA District- Buxar

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Mumtaz @ Muntaz S/o- Yasin @ Hasin Resident of Village- Bagen, P.S.-
Bagengola, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 25-06-2020 The matter has been taken up through virtual Court
proceeding.

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

Since the physical court proceeding is non-functional
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
the office will place the matter before the bench.

The petitioner, being the husband of the informant, is
languishing in custody since 22.02.2020 in a case registered for
the offences punishable under Sections 498A/34 of the Indian



Penal Code and Sections 3/4 of Dowry Prohibition Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Nafisa Khatoon submitted to the Station House Officer, Bagengola P.S., is to the effect that the informant was married with the petitioner, Mumtaz @ Muntaz on 02.05.2019, but subsequent to the marriage, there was further demand of dowry of Rs. Two lakhs and a gold chain and for non-fulfillment of the same, torture was inflicted upon the informant and ultimately, the informant was driven out from the matrimonial house after snatching all her belongings and jewellery.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner is ready to keep the informant with full dignity and honour.”

It is further submitted that the investigation has already been concluded.

Learned APP for the State submits that the thrust of



accusation is against the petitioner.

Considering the nature of accusation and the fact that investigation being concluded and the present stand of the petitioner that he is ready to keep the informant as wife with full dignity and honour, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Bagengola P.S. Case No. 22 of 2020.

The learned Court below will issue notice to the informant and on her appearance, the petitioner will take her to the matrimonial house to keep 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 upon 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 three months 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 the learned Chief Judicial Magistrate, Buxar in connection with Bagengola P.S. Case No. 22 of 2020.

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

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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