

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27614 of 2020

Arising Out of PS. Case No.-391 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Md. Azad S/o Md. Manjur @ Md. Manzoor Resident of Village-Pura, P.S.-
Hathauri, District-Samastipur ... Petitioner

Versus

1. The State Of Bihar
2. Momina Khatoon W/o Md. Azad, D/o Md. Tasleem Resident of Village-
Partapur, P.S.-Kalyanpur, District-Samastipur.
... ... Opposite Party

Appearance :

For the Petitioner : Mr. Bhubneshwar Prasad, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under sections 323, 342, 498A, 379 and 504 of the Indian Penal Code.

Petitioner, who happens to be husband of complainant/opposite party no.2, is alleged to have subjected her to harassment and cruelty for non-fulfilment of dowry. He also ousted her from his house after snatching her belongings.

Learned counsel for the petitioner submits that the petitioner has never demanded any dowry and committed torture on the opposite party no.2, so offence under section 498A Indian Penal Code may not be attracted against him and in fact opposite party no.2 does not want to live with the petitioner in her in laws house. He submits that in view of order of this Court dated 4.7.2019, passed in Cr.Mis.No. 26016 of 2019 (Annexure 2) the petitioner was keeping opposite party no.2 to his house with dignity. However, on 12.3.2020 she again left her in laws



house and filed a petition on 16.3.2020 before the Court below leading to cancellation of his bail bonds vide order dated 16.3.2020 and since then he is in custody.

In view of nature of allegation and the period of custody spent by the petitioner, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Samastipur in Complaint Case No.391 of 2017 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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