

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30875 of 2020

Arising Out of PS. Case No.-540 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Md. Akhtar Imam @ Md. Athar Imam, Aged about 30 Years, Male, S/o Md. Mojahid, Resident of Village Champanagar, P.S. Nathnagar, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Fatma, D/o Md. Nausad Alam, W/o Akhtar Imam, Resident of Village Makhsurpur Garhkaddasi, P.O. Champa Nagar, P.S. Nath Nagar, District Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2020 Heard Mr. Rajive Ranjan Singh, the learned counsel for the petitioner and Mr. Bharat Lal, the learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Nath Nagar P.S. Case No.540 of 2019, registered under Sections 341, 323, 498(A) and 34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The wife of the petitioner made allegation that the petitioner subjected her to all sorts of torture and drove her out from the house due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner is ready to keep his wife with all honour and dignity. The petitioner filed petition for restitution of conjugal rights but the wife is not willing to live with the petitioner.

Taking into consideration the fact that the petitioner is



willing to keep his wife with all honour and dignity, the petitioner, above named, is directed to surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order and on such the learned court below shall enlarge the petitioner on provisional anticipatory bail for six months on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bhagalpur in connection with Nath Nagar P.S. Case No.540 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Thereafter the learned court below shall make efforts for resolving the dispute between the husband and wife and if the petitioner keeps his wife with all honour and dignity, the provisional bail granted to the petitioner shall be confirmed. If the petitioner fails to keep his wife with all honour and dignity, the learned court below shall pass order on the provisional bail of the petitioner, in accordance with law, immediately after lapse of six months.

(Prabhat Kumar Jha, J)

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