

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43134 of 2019

Arising Out of PS. Case No.-422 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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ZUBAIR HASHMI @ JUBAIR HASMI Son of Md. Aslam Resident of
Village - Naya Bazar, Kesariya, P.S.- Kesariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noorjewa Khatoon @ Rani Khatoon Wife of Zubair Hashmi @ Jubair Hasmi, D/o Md. Hanif, Resident of Village - Basudevpatti, P.S.- Sariya, Dist.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 12-06-2020 This application for anticipatory bail arises out of

Complain Case No. 422 of 2018, corresponding to Trial No.

3699 of 2018, disclosing the offence under Section 498-A of the

Indian Penal Code and Sections 3/4 of the Dowry Prohibition

Act.

The petitioner is the husband of the complainant. The

dispute between them was referred to Patna High Court

Mediation Centre for negotiable settlement, which appears to

have failed, as can be noticed from the report of the learned

Mediator.

Learned counsel appearing on behalf of the petitioner,



learned Additional Public Prosecutor and learned counsel representing the complainant have been heard.

Learned counsel for the petitioner has submitted that since the application arises out of a complaint case, no tangible purpose would be served if the petitioner is taken into custody. He has further submitted that matrimonial dispute is the reason behind filing of the complaint case and that the petitioner is regularly paying the maintenance amount to the complainant in terms of orders passed by the court below.

Learned counsel for the complainant has opposed the prayer for anticipatory bail and has disputed the fact that the maintenance amount is being regularly paid.

Be that as it may, considering the nature of dispute giving rise to filing of the complaint petition, a case for grant of anticipatory bail is made out. This application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in Complain Case No. 422 of 2018, corresponding to Trial No. 3699 of 2018, subject to the condition as laid down



under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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