

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44316 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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MD. SHAMSAD ALAM Md. Quamruddin Resident of Village- Sundarbari
Matiyari, Police Station- Teragachh, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Najrun Nisan W/o Md. Shamsad Alam, D/o Najrul Haque R/o Locha Hat,
Bahadurganj, District- Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 17-06-2020 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

This application for anticipatory bail arises out of
Katihar Complaint Case No.C109/2018, disclosing offences
under Section 498A of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

The petitioner is the husband of the complainant. By
an order dated 18.07.2019, interim protection was granted to the
petitioner and subsequently by order dated 26.09.2019, the
matter was referred to Patna High Court Mediation Centre for
resolution of the dispute between the petitioner and the
complainant. It appears from the report of the learned Mediator



dated 24.02.2020 that mediation proceeding has failed between them.

Learned counsel for the petitioner has submitted that matrimonial dispute between the petitioner and the complainant is the main reason for lodging of the complaint case. The allegation of demand of dowry and torture is only for the purpose of making out a case under Section 498A of the Indian Penal Code.

Learned counsel appearing on behalf of the complainant has opposed the prayer for grant of anticipatory bail and has submitted that the complainant is ready to live with the petitioner and lead a peaceful conjugal life. According to him, the complainant has been thrown out from the matrimonial house.

Be that as it may, considering the nature of dispute, giving rise to filing of the complaint case, 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 the learned Chief Judicial Magistrate, Kishanganj in Complaint Case No. C109/2018, subject to the conditions 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)

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