

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52387 of 2019

Arising Out of PS. Case No.-122 Year-2018 Thana- KARJAIN District- Supaul

Md. Afzal @ Afzal, Son of Md. Manan Resident of Village-Sadanandpur,
P.S.-Bhaptiyahi, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Khatoon, Wife of Md. Afzal @ Afzal, D/o Allauddin Mian,
Resident of Village-Sadanandpur, P.S.-Bhaptiyahi, District-Supaul, at
present resident of village-Berdah, P.O. and P.S.-Karjain, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-01-2020 This is an application for grant of anticipatory bail in

connection with Karjain P. S. Case No. 122 of 2018, disclosing

offences under Sections 498A, 323, 34, 504 of the Indian Penal

Code.

Petitioner happens to be the husband of the

complainant and there is allegation of demand as well as torture

to the complainant.

Submission of learned counsel for the petitioner is

that the whole allegation is false and concocted and he is still

ready to keep her with full dignity and care.

On the other hand, the opposite party no.2 has

appeared and submitted that she is also ready to reside with the



petitioner, if she is allowed to live with full dignity and care.

In such view of the stand of the parties, let the petitioner, above named, surrender before the learned court below on 20.01.2020 and on that day the opposite party no.2 shall also remain present in the Court. Once both the parties appeared and further on filing of an affidavit by the petitioner that he is ready to keep her with full dignity and care and to take her from the Court itself, he will be released on provisional bail for a period of six months. During that period, the learned court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the second week of each month before the learned court below. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the provisional bail granted to the petitioner shall be confirmed, otherwise, he is free to pass any other order or orders, which may be deemed fit and proper, including cancelling the bail bonds of the petitioner.

It is needless to say that if the opposite party no.2 does not appear before the court below or is not ready to reside with the petitioner, in that case also, the learned court below shall release the petitioner on bail on his own satisfaction.



With the aforesaid observations, this application is
disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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