

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56020 of 2019

Arising Out of PS. Case No.-506 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SURAJ BIND, Son of Arvind Bind, Resident of Village - Parthu, P.S. -
Ekangar Sarai, District - Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Neelam Devi, Wife of Suraj Bind, D/o Ram Iqbal Bind, At Present Resident
of Village - Bishunpur, P.S. - Chandi, District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Bind
For the State : Mr. Nawal Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-02-2020 Heard learned Counsel for the petitioner, learned

Additional Public Prosecutor representing the State and learned

Counsel appearing on behalf of the complainant.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. 506 (C) of 2018, in which
cognizance has been taken under Sections 494/498A of the
Indian Penal Code and Section 4 of Dowry Prohibition Act.

The allegation against the petitioner is that the
marriage of the petitioner was solemnized with the complainant
in the year 2015. It has further been alleged that after sometime
of the marriage, the petitioner started demanding a sum of Rs.
50,000/- as cash and one motorcycle from the complainant and



her family members and due to non-fulfillment of the same, the petitioner started torturing the complainant, physically and mentally. It has also been alleged that ultimately the complainant was assaulted by means of rod etc. and was ousted from her matrimonial home and the petitioner has performed second marriage with another lady.

Learned Counsel for the petitioner submits that the allegation against the petitioner is false and fabricated. However, in order to maintain the harmony of the family, the petitioner is ready to keep complainant as his wife with all care, honour and dignity.

Learned Counsel appearing for the complainant submits that the complainant is also willing and ready to live with her husband i.e. the petitioner, subject to the condition that the petitioner will treat her properly and will not torture any more to the complainant. He further submits that a joint affidavit may be directed to be filed by both the parties before the learned Court below as a condition for grant of bail to the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that both the parties are ready and willing to live together as husband and wife, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is accordingly allowed.

Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Complaint Case No. 506(C) of 2018, subject to the conditions laid down under Section 438 of the Code of Criminal Procedure, 1973, and that both the parties i.e. the petitioner and the complainant shall jointly file an affidavit before the learned Court below to the effect that they are ready and willing to live together as husband and wife willfully, properly and harmoniously and the undertaking of the petitioner that he will not torture the complainant and will keep her as his wife with all care, honour and dignity.

(Anil Kumar Sinha, J.)

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