

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64102 of 2019

Arising Out of PS. Case No.-230 Year-2019 Thana- TAJPUR District- Samastipur

Md. Kaleem @ Md. Kalim Son of Md. Subhan Resident of Village - Kasbe Ahar, P.S. - Tajpur, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Nargish Khatun Wife of Md. Kaleem @ Md. Kalim Resident of Village - Kasbe Ahar, P.S. - Tajpur, District - Samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-03-2020 Heard learned Counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in Rajpur PS Case No. 230 of 2019 registered under Sections 498A/34 IPC and Sections 3/4 of the Dowry Prohibition Act.

The allegation is that the informant has been subjected to cruelty and beaten in her matrimonial home after her marriage in September 2018 by the petitioner (husband) and all the family members present there.

Petitioner's counsel submits that the instant case is a false case. From the allegations made in the FIR itself it is apparent that the informant has the intention that the petitioner should reside separately along with the informant. It is submitted that in order to coerce the petitioner to live separately the prosecution has been instituted falsely by the informant.

In spite of the efforts at the Conciliation Center during pendency of the anticipatory bail application in the court below, the same has failed. He has specific instruction that the petitioner is more



than willing to allow the informant to reside with him with full honour and dignity. The efforts have also failed in the mediation proceedings here in the Patna High Court Conciliation and Mediation Center. Submission is of false implication.

Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioner. The prayer is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named, 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 ACJM – I, Samastipur in Tajur PS Case No. 230 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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