

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75578 of 2019

Arising Out of PS. Case No.-1530 Year-2018 Thana- COMPLAINT CASE District- Araria

Md. Kalam Son of Md. Israil Resident of Village - Bishanpur Madhulatta,
P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Wakila Khatoon W/o Md. Kalam, D/o Late Md. Rafique Resident of Village
- Pachyari Jhiruwa, P.S.- Simraha, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-06-2020 The matter has been taken up through virtual
Court proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The present application has been preferred on
behalf of the petitioner for grant of bail in a complaint case
wherein process has been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code and Section 4 of
Dowry Prohibition Act.

It appears that vide order 26.11.2019 notices



were issued to the complainant-opposite party no. 2 and petitioner was granted provisional bail. The office note dated 22.01.2020 reflects that ordinary process of notice has been personally received by opposite party no. 2 but none is appearing on behalf of the complainant-opposite party no. 2.

Hence, the matter is heard on merits.

The prosecution case as per the complaint petition is to the effect that the complainant was married with the petitioner about 15 years prior to the lodging of the complaint petition. Subsequently, they were blessed with six children but thereafter, there was further demand of a motorcycle and a she buffalo as dowry and for non-fulfillment of the same, torture was inflicted upon the complainant and complainant was driven out from the matrimonial house by the petitioner and other in-laws' family members.

It is submitted by learned counsel for the petitioner that the complainant is residing with the petitioner but statement to that effect has not been made in the petition.

Considering the fact that despite valid service of notice, the complainant chose not to appear, there is nothing on record to suggest that the petitioner has



misused the privilege of provisional bail and the fact that both the complainant and petitioner are living together, the provisional bail granted to the petitioner vide order dated 26.11.2019 in connection with Complaint Case No. 1530C of 2018, pending in the Court of learned Sub-divisional Judicial Magistrate, Araria is, hereby, confirmed.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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