

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75639 of 2019

Arising Out of PS. Case No.-282 Year-2019 Thana- GAYA KOTWALI District- Gaya

Mobin Alam Son of Mursid Alam Resident of Samdani Gali, Panchaiti Akhara, P.S. - Kotwali, District - Gaya, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Sufia Khadija, W/o Mobin Alam, R/o Panchaiti Akhara, P.S. Kotwali, District-Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sudha Chandra
For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-06-2020 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the O.P. No. 2 via video conferencing.

The petitioner has filed the present application for grant of pre-arrest bail in connection with Kotwali P.S. Case No. 282 of 2019 registered for the offence punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

It is submitted by the learned counsel for the petitioner that neither the petitioner nor any of the family members of the petitioner had ever used any kind of force or violence on the informant rather the actual fact is that it is the informant, who never wanted to settle in the family of the



petitioner and was insisting to live separately with the petitioner at some other place. He contended that though the petitioner made several requests to live a normal life and tried to fulfill all the demands to the best of his capacity but, the informant did not show any interest in leading a conjugal life with the petitioner. He further contended that having failed to persuade the informant despite his best efforts, the petitioner filed Matrimonial Case No. 61 of 2019 for restitution of conjugal rights before the Family Court, Gaya on 28.02.2019 and only after that, the instant FIR was instituted on 24.06.2019.

On the other hand, learned counsel for the complainant O.P. No. 2 while vehemently opposing the prayer for grant of pre-arrest bail to the petitioner submitted that all the accused persons had subjected the informant physically and mentally for non-fulfillment of demand of Rs. 10 lacs for obtaining a job for the petitioner in the Secretariat. He contended that as far as the Matrimonial Case is concerned, the notice was never served to the complainant O.P. No. 2 prior to the institution of the FIR.

Be that as it may, regard being had to the nature of allegation and the submissions advanced at the bar, the petitioner is directed to be released on bail in the event of his



arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 282 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

rohit/-

U		T	
---	--	---	--

