

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86931 of 2019

Arising Out of PS. Case No.-1702 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Md. Ekrar @ Mohammad Ekrar, Son of Late Md. Nesar Ahmad Resident of
Village - Chandpali, P.S.- Ziradei, Distt - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitara Khatoon Wife of Md. Ekarar @ Mohammad Ekrar, Resident of
Village - Chandpali, P.S.- Ziradei, Distt - Siwan. At Present - Sitara Khatoon,
D/o Mohammad Shakoor (Sakoor), R/v - Surwal, P.S.- Ziradei, Distt -
Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan, Advocate
		Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 07-10-2020 Heard Mr. Abdul Mannan, learned counsel for
the petitioner and Mr. Md. Aslam Ansari for the State.
Nobody has appeared on behalf of Opposite Party No. 2.

The petitioner, who is the husband of
Opposite Party No. 2, seeks bail in anticipation of his
arrest in connection with Complaint Case No. 1702 of
2016 (Trial No. 1261/2019) in which cognizance has
been taken under Sections 498(A) and 323 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

At the outset Mr. Abdul Mannan, learned
counsel for the petitioner has stated before this Court
that the petitioner is ready to restore the matrimonial



relationship with his wife provided she is agreeable for the same.

In the absence of the counsel for the Opposite Party No. 2 who has been noticed, it would only be desirable that the petitioner be asked to appear before the court below within a period of eight weeks from today with the same plea that he wishes to bring back his wife to the matrimonial fold.

When the petitioner shall appear before the court below, he shall be granted provisional bail and notice shall be issued to the Opposite Party No. 2. On her appearance before the court, the court below would explore whether she is agreeable to go with the petitioner and that the petitioner is ready to give an undertaking that he shall keep his wife with all dignity to which she is entitled. Then, the court below shall pass necessary orders in accordance with law and shall confirm the provisional bail of the petitioner. If the Opposite Party No. 2 would refuse to go with the petitioner without any plausible reason, that shall also be taken into account while confirming the bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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