

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36673 of 2020

Arising Out of PS. Case No.-898 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Firoz Alam @ Sheikh Firoz Son Of Sheikh Ahmad Resident Of Village -
Purainia, P.S. - Mainatand, District - West Champaran At Bettiah (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fultara Khatoon Wife Of Sheikh Firoz And Daughter Of Jamil Khan
Resident Of Village - Barwa Kala, P.S. - Sathi, District - West Champaran At
Bettiah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the Complainant	:	Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-10-2021 Heard Shri Rakesh Kumar, learned counsel for the

petitioner, Shri Umesh Chandra Verma, learned counsel for the

complainant and Shri Bhanu Pratap Singh, learned A.P.P. for the

State.

The petitioner is seeking anticipatory bail in
connection with Complaint Case No. 898C of 2019 in which
cognizance has been taken under Section 498A of the Indian
Penal Code.

Learned counsel for the complainant, at the outset,
submits that the marriage of the complainant with the petitioner
was solemnised on 04.12.2018 in accordance with muslim rites



and rituals in which the father of the complainant had spent Rs. 7 lakhs. He further submits that after marriage, the complainant was being tortured for dowry. On query of the court whether she intends to go back to the house of the petitioner or not as the petitioner in his bail application has specifically pleaded that he intends to take back his wife and keep her with all honour and dignity, the learned counsel for the complainant submits that the complainant is not willing to go back because of the torture meted out to her.

Learned counsel for the petitioner submits that since the complainant is not willing to go back as such he should be granted the privilege of anticipatory bail. On query of the Court that it is not in dispute that the petitioner and the complainant are husband and wife for the present and it is the duty of the husband to maintain his wife, on which the learned counsel for the petitioner fairly conceded and submitted that yes, it is the duty of the husband to maintain his wife.

Considering the aforesaid submission of the parties, the petitioner shall appear before the learned Court below on 16.11.2021 and he shall be released on provisional bail on his furnishing bail bond of a sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount. Simultaneously, the O.P.



No. 2 shall also be noticed by the learned Court below and on her appearance, the Court below shall explore the possibilities of one time settlement. The Court below shall also ensure that the rights of the wife is well preserved. if the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. In the event of the dispute not being settled, the Court below shall look at the respective stand of the parties before taking a final decision regarding the confirmation of provisional bail of the petitioner.

Further the court below will also inquire into the status of the petitioner and the complainant for coming to an amicable solution. This enquiry is to be done only to ensure that the demand for maintenance is genuine and not fanciful.

(Satyavrat Verma, J)

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