

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78968 of 2019

Arising Out of PS Case No.-195 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

Md. Aslam, aged about 30 years, Male, Son of Matiur Rahman, Resident of Village- Rangamani, Majhgama, P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. B.B. Angustari Begum, aged about 25 years, Female, Wife of Md. Aslam, Resident of Village- Rangamani, Majhgama, P.S.- Kochadhaman, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the O P No. 2	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-01-2021

Heard Mr. Pankaj Kumar, learned counsel for the petitioner; Mr. Suresh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ram Prawesh Kumar, learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with Kochadhaman PS Case No. 195 of 2019 dated 10.07.2019, instituted under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. The petitioner is the husband of opposite party no. 2 and the allegation is that he used to regularly abuse, assault and torture the opposite party no. 2, despite three children being born



out of the wedlock and further demanded cash, gold, silver and a motorcycle.

4. The Court has earlier granted interim protection to the petitioner and on the plea that he was ready to take back the opposite party no. 2 and his three children and keep them with him. However, despite repeated opportunity, the exercise was not done and finally by way of last and extraordinary indulgence, when the matter was taken up on 08.01.2021, it was adjourned for today. The Court had also made it clear in the order that if today affidavit showing completion of the exercise as undertaken by the petitioner is not on record, the Court shall presume that there has been deliberate and willful breach of the stand taken on behalf of the petitioner.

5. Today, learned counsel for the petitioner as well as opposite party no. 2 submitted that they have not filed affidavit.

6. However, the stand is that the opposite party no. 2 and her three children had gone back to the matrimonial home.

7. As it is common ground between learned counsel for the petitioner and learned counsel for the opposite party no. 2 that the petitioner has taken back the opposite party no. 2 with him to the matrimonial home, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be



released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Kochadhaman PS Case No. 195 of 2019 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. Further, at the time of granting bail, the Court below shall ensure that the petitioner gives an undertaking that he shall keep the opposite party no. 2 and three children with him with full dignity, honour and security and shall also take care of all their needs. Further, he shall undertake that the opposite party no. 2 and his three children would be allowed to meet, talk to and visit anyone they desire without any let or hindrance, either from the petitioner or his family members. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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