

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78897 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Haidar Nadaf, aged about 24 years (Male), S/o of Intej Nadaf @ Intaj Nadaf, Resident of Village - Mahinam, P.S.- Bahera, Distt - Darbhanga.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Zaida Khatoon, Wife of Md. Haidar Nadaf, D/o Md. Fulo, Resident of Village - Mahinam, P.S.- Bahera, Distt - Darbhanga
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Prasad, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the OP No. 2	:	Mr. Madhav Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Ashok Kumar Prasad, learned counsel for the petitioner; Mr. Ram Chandra Sahani, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Madhav Jha, learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with Complaint Case C.R. No. 20 of 2019 dated 24.01.2019, instituted under Sections 120-B/323/341/498-A/354-B/379/504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. Pursuant to earlier order, supplementary affidavit



has been filed on behalf of the petitioner in which has been stated that the opposite party no. 2 has come to the matrimonial home and is living without any complain.

4. Learned counsel for the opposite party no. 2 does not deny the fact. However, he submitted that the Court may safeguard her interest.

5. Learned APP submitted that in view of the opposite party no. 2 having agreed to go and live with the petitioner, though as a second wife, the Court may impose conditions so that she can live peacefully in the matrimonial home.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Sub-Divisional Judicial Magistrate, Benipur, Darbhanga, in Complaint Case bearing C.R. No. 20 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (a) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (b) that the petitioner also shall give an



undertaking before the Court that he shall keep the opposite party no. 2 with him in the matrimonial home with full dignity, honour and security and shall also take care of all her needs. He shall also undertake that the opposite party no. 2 shall be free to talk to, meet or visit anyone she desires without any let or hindrance, either from the petitioner or any of his family members. If there is any violation of the terms and conditions of the bonds or the undertaking, the bail bonds of the petitioner shall be cancelled.

7. Further, it shall be open to the opposite party no. 2 to file a petition before the Court below in the event there is any violation of the terms and conditions of the bonds or undertaking or if she otherwise feels threatened in the matrimonial home. If such petition is filed, the Court below, after giving an opportunity of hearing to the petitioner, shall pass orders, latest within one month from the date of filing of such petition. If it is found that the allegations levelled by the opposite party no. 2 against the petitioner or his family members are correct, the Court below shall cancel the bail bonds of the petitioner.

8. Earlier, an affidavit by the senior Superintendent of Police, Darbhanga, had been filed through Mr. Jharkhandi



Upadhyay, learned APP, who was assisting the Court at that point of time.

9. Before parting, the learned APP has brought to the notice of the Court that earlier, some action has also been initiated against the SHO, Bahera PS, for not cooperating in the exercise entrusted to him by the Court. It was submitted that immediately upon the senior Officers having been informed, the order has been fully complied with on 28.11.2020 in its true letter and spirit resulting in the parties living together.

10. Having regard to the aforesaid, the Court will only observe that it has not expressed any opinion on the issue and it shall be open to the Disciplinary Authority to take a view in the matter.

11. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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