

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58818 of 2021

Arising Out of PS. Case No.-50 Year-2018 Thana- MAHILA PS District- Darbhanga

MD. ZULFIKAR KHAN S/o Late - Md. Jahoor Khan Resident of Village -
Usma Ratanpura, P.S. - Ashok Paper Mill, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saibun Nisha @ Saimun Nisha W/O Md. Zulfikar Khan D/o- Md. Hira Khan Resident of Village - Maharajganj, P.S. - Laheriasarai, Distt. - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 323, 504 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant is the wife of the petitioner and the marriage was performed in the year 2007 and out of the wedlock four children were born but on account of dispute the informant alleges that about 10 days back she along with her children were ousted from her matrimonial home as the family members of the informant were not able to fulfill the dowry



demand.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The marriage is 14 years old and out of the wedlock four children were born and the petitioner is still willing and ready to keep the informant along with the children with full dignity and honour. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that normal wear and tear of life has led to the institution of the present case. It is also submitted that when there was no dispute between the parties for the last 14 years then how come all of a sudden presently the informant is feeling perturbed and is alleging that dowry was being demanded.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Darbhanga Mahila P.S. Case No. 50 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below shall issue notice to the informant and will fix a date on which both the petitioner and the informant shall be physically present and will try to make all endeavours that an amicable settlement is reached between the parties. In the event, if no settlement is reached between the parties for the fault of the petitioner then the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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