

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56091 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- TARABARI District- Araria

Abu Kalam S/o- Nayeem Resident of Village- Balwat, P.S.- Tarabari, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Sakira W/o- Abu Kalam, D/o- Taslim Resident of Village- Belwari, P.S.- Palasi, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 06-01-2022 Heard learned counsel for the petitioner,

informant and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498(A)/34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

The basic accusation is of torture and making assault for non-fulfillment of dowry demand.



It appears that vide order dated 20.11.2019, the matter was referred to the Mediation & Conciliation Centre of the Patna High Court for amicable settlement of the dispute between the parties. The report of the Mediator is kept at Flag-M which reflects that the mediation has failed.

It is submitted by learned counsel for the petitioner that petitioner is still ready to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the informant that earlier also the informant has filed Araria(Mahila) P.S. Case No. 65 of 2018 against the petitioner and other in-laws. In the aforesaid case, the matter has been compromised but again torture was inflicted upon the informant for non-fulfillment of dowry demand. Hence, the informant has lodged the present case against the petitioner and other in-laws. The impugned order also suggests that informant has received two injuries i.e. on the left eye and scalp which



corroborates the prosecution version of cruelty against the informant.

It is the duty and obligation of a husband to maintain his wife and to provide financial and moral support to her and their children except if any legally permissible ground is contained in the statutes.

Considering the aforestated facts, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Let learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if the petitioner surrenders within a period of four weeks from today and pray for regular bail.

With the aforesaid observation/direction, the petition stands disposed off.

(Sunil Kumar Panwar, J)

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