

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28310 of 2024

Arising Out of PS. Case No.-665 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Vakil Ahmad @ Vakil Ali, Male, aged about 30 years, son of Atiulla, resident
of Village- Sikandarpur, PS- Chakiya, Dist- Chandauli, U.P
... .. Petitioner/s

Versus

1. The State of Bihar
2. Farjana Khatoon, wife of Vakil Ahmad @ Vakil Ali, female aged about 23
years, resident of Village- Sikandarpur, PS- Chakia, Dist- Chandauli, P/A-
Bharari, PS- Chand, Dist- Kaimur
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarfraz Ahmad, Advocate
For the State	:	Mr. Nand Kumar, APP
For the OP No. 2	:	Mr. Parwej Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-05-2024 Heard learned counsel for the petitioner; learned
Additional Public Prosecutor for the State and learned counsel
for the opposite party no.2, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with
Complaint Case No.665 of 2023 dated 02.08.2023, instituted
under Sections 498-A, 323, 406/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of
torturing and assaulting the complainant due to non-fulfillment
of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is the husband and he is ready to keep his wife-



opposite party no.2 with full dignity and honour.

5. Learned counsel for the opposite party no.2 submits that she is also ready to live with the petitioner provided she is kept with full dignity and honour and her safety is also ensured.

6. Learned APP submits that since the petitioner is ready to keep the opposite party no. 2 with full dignity and honour, the Court may pass appropriate order in the matter.

7. 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 provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua, in Complaint Case No.665 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. At the time of surrender or furnishing bail bonds, the petitioner will file appropriate affidavit disclosing his wishes that he will keep his wife-complainant with full dignity and honour and thereafter the Court below will issue notice to the complainant or his lawyer about the next date to be fixed in the



case and upon appearing the complainant in the Court on the next date, the complainant will accompany the petitioner for his matrimonial home and will start living together in the matrimonial home. The Court below will review the status of relationship between parties every month by calling both the parties personally in Court for the next six months. If the Court below finds that both the parties are living together peacefully and the complainant has no grievance, at all, against the petitioner, the provisional bail of the petitioner shall be confirmed. However, if the complainant-opposite party no. 2 complains about the misconduct of the petitioner, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of his provisional bail.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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