

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12445 of 2015**

Arising Out of PS.Case No. -707 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

=====

1. Md. Arshi @ Arshi son of Sayeedur Rahman resident of Parsauni Ps.  
Biefi (O.P.) Ratauna), District - Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Mushrrat Praveen d/o Md. Ali @ Hira Babu r/o Marhiya PS Bisfi Distt.  
Madhubani.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Ramesh Chandra (App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR**  
**SINGH**  
**ORAL ORDER**

2      25-03-2015                      Heard learned counsels for the petitioner and the  
  
State.

The petitioner being the husband is apprehending  
  
arrest in a complaint case filed with accusation under  
  
Sections 323,379 and 498A of the Indian Penal Code and  
  
sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non  
  
fulfillment of dowry demands.

On instructions, it is submitted that though the  
  
complainant herself deserted the petitioner but the petitioner  
  
is ready to keep the complainant as wife with full dignity

and honour. Statement to the aforesaid effect has been made in paragraph no. 7 of the petition which reads as follows:

“That this is very strange to the petitioner that the complainant after living at Sasural is not ready to support and file compromise petition. The petitioner is always ready to keep to the complainant with full love and affection with full dignity.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Madhubani in connection with Complaint Case No. 707 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i)

if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Anil/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|