

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.849 of 2015

=====

1. Md. Arshad Son of Md.Habibur Resident of Village-Sharlangha,P.S-Jokihat,Distt.-Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Mehnaz

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2015 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

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

On instructions, it is submitted that 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 11 of the petition which reads as follows:

“That the petitioner is always ready to keep his wife

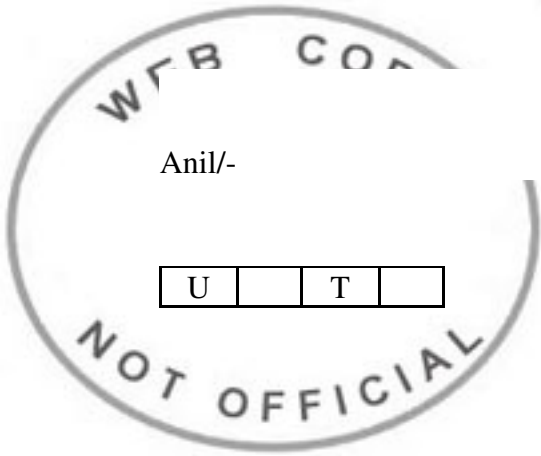
with full dignity and respect.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 27.1.2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Araria in connection with Complaint Case No. 2281 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 but it will not be confirmed if the petitioner fails to appear before

the learned court below.



(Dinesh Kumar Singh, J)