

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17457 of 2015

Arising Out of PS.Case No. -699 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

=====

1. Md. Meraj @ Md. Meraj Alam son of Ujair Alam, Resident of Mohalla -
New Ansar Nagar, Under By-pass, P.S. & District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nazma Khatoon, D/o Ahfak Manzar, Resident of Village - Rafiganj,
P.O. & P.S. - Warsliganj, District - Nawada.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

=====

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

ORAL ORDER

2 14-05-2015 Heard learned counsels for the petitioner 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 and section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands. The marriage between petitioner and the complainant and birth of two children are admitted facts.

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 no. 15 of the petition which reads as follows:

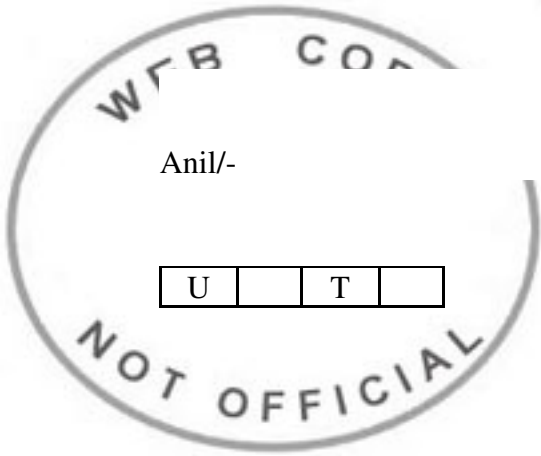
“That the petitioner is the husband of the complainant and is ready to keep and maintain the complainant with all social prestige and dignity but on the contrary the complainant herself is not willing to live with the petitioner and has deserted him.”

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 Nawada in connection with Complaint Case No. 699 of 2014 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)