

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19631 of 2015

Arising Out of PS.Case No. -162 Year- 2014 Thana -BIRPUR District- SUPAUL

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Jamaluddin, Son of Md. Yasin, R/o village – Chhota Babu Jan, P.S. Purna,
District – Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nafisa Khatoon, Wife of Jamaluddin R/o village – Chhota Babu Jan, P.S. Purna, District – Araria Daughter of Saidur Rahman, R/o village – Kataiya, P.S. Birpur, District - Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 03-09-2015

Heard learned counsels for the petitioner, State and the complainant.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A, 323 of the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

The marriage between the petitioner and the complainant and birth of five children are admitted facts.

It is submitted by learned counsel for the

petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour, though, no such statement has been made in the petition. It is further submitted that all the children are residing with the petitioner.

It is submitted by learned counsel for the complainant that the complainant, who is present in the Court, accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 1st of October, 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Birpur, District - Supaul in connection with Complaint Case No. 162-C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial

harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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