

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41175 of 2014

Arising Out of PS.Case No. -2509 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Mokarram @ Md. Mokarram Shahzad son of Md. Aslam Sheikh
resident of village - Makhna Baluachak, Police Station - Jagdishpur, District
- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Yasreeb Jahan daughter of Md. Sajmul Sheikh Resident of Village -
Dogaddi, P.O. Baijani, P.S. Jagdishpur, District - Bhagalpur

.... Opposite Party/s

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with

Criminal Miscellaneous No.33845 of 2014

Arising Out of PS.Case No. -2509 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Bibi Ishrat Jahan W/o Md. Aslam Sheikh
2. Md. Islam Sheikh @ Md. Aslam Ahmad S/o Late Md. Mobarak Both
Resident of Village Makhna Baluachak, Police Station Jagdishpur, District
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.41175 of 2014)

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

(In Cr.Misc. No.33845 of 2014)

For the Petitioner/s : Mr. Md. Harun Quareshi

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

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

ORAL ORDER

2 20-02-2015

Heard learned counsels for the petitioners and the State.

The petitioner of Cr. Misc. No. 41175 of 2014 being the



husband of the complainant and petitioners of Cr. Misc. No. 33845 of 2014 being parents of the husband of the complainant are 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 sections 3 and 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioners that by mistake it has not been mentioned in the petition that the petitioner is ready to keep the complainant as wife with full dignity and honour but on instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour.

Considering the present stand of the petitioner of Cr. Misc. No. 41175 of 2014, 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 Bhagalpur in connection with Complaint Case No. 2509 of 2012 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.

Considering the stand of the husband of the complainant, let the above named petitioners of Cr. Misc. No. 33845 of 2014 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned SDJM Bhagalpur in connection with the aforementioned complaint case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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