

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15359 of 2015

Arising Out of PS.Case No. -1553 Year- 2010 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Md. Imamuddin Son of Sahabuddin Resident of Village- Ramdiha P.O and
P.S. -Chakia, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabila khatoon wife of Md. Imamuddin Daughter of Reyalzul Ansari,
Resident of Village- Bangra, P.O- Bangra, P.S.- Chakia, Distt-East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 28-09-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the

complainant has renewed his prayer for anticipatory bail in a

complaint case wherein process has been directed to be issued

after cognizance being taken for the offences punishable under

Section 498A, 323, 504 of the Indian Penal Code and 3/4 of

Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand.

The earlier application for anticipatory bail was

disposed of vide order dated 07.11.2012 passed in Cr. Misc. No. 45218 of 2012 since the anticipatory bail application of the petitioner was dismissed for non-prosecution by the learned Sessions Judge. Hence, the petitioner was given liberty to move the learned Sessions Judge afresh. Subsequently the present anticipatory bail application has been filed.

The petitioner and the complainant are present.

The petitioner admits his marriage and birth of a male child. The petitioner has also filed Matrimonial Suit No. 153 of 2010 for restitution of conjugal life and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That it is respectfully submitted that the petitioner is ready to keep the O.P. No. 2 (complainant) with full respect and dignity.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 12th of October, 2015 when the petitioner will take the complainant and child to keep them with dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory

bail for six months 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 1553 of 2010, 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 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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