

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27673 of 2015

Arising Out of PS.Case No. -576 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Sakir @ Sakir Alam Son of Md. Najoul @ Najarul Haque,
..... Petitioner/s

Versus

1. The State of Bihar
2. Naima Khatoon, Wife of Md. Sakir @ Sakir Alam
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015 Heard learned counsels for the petitioner, complainant and
the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

The marriage between the petitioner and the informant is admitted fact.

Learned counsel for the petitioner submits that the petitioner is ready to keep the informant as wife with full dignity and honour. a statement to that effect has been made in para 11 of the petition which reads as follows:-

"11. That the petitioner being husband is ready to keep the complainant/O.P. No.2 as his wife with full dignity..."

A statement has been made at paragraph 10 of the petition that the petitioner filed Title Suit No. 185 of 2013 for restitution of conjugal rights.

Learned counsel for the informant submits that the informant accepts the offer of the petitioner.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Purnea in connection with C.A. No.576 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 17th August 2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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