

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33652 of 2015

Arising Out of PS.Case No. -90 Year- 2014 Thana -RAFIGANJ District- AURANGABAD

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1. Noor Mohamad Ali son of Late Saudagar Ali, resident of village Hatta,
P.S. Chainpur, District Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. Najama Khatoon wife of Noon Mohanad Ali D/o Md. Kalamu Uddin R/o
village Hatta, P.S. Chainpur, District Kaimur at Bhabua at present reside at
village Emadpur, P.S. Rafiganj, District Aurangabad,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 498A,323 and 379/34 of the Indian Penal Code and section 4 of Dowry Prohibition Act.

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

On instructions, it is submitted that the petitioner admits his marriage with the informant and is

ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“That it is categorically stated here that petitioner is ready to keep and maintain his wife with her full dignity and respect.”

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 CJM Aurangabad in connection with Rafiganj P.S. Case No. 90 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 informant and on her appearance 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 the learned court below in three eventualities –



(i) if the matrimonial harmony is substantially restored or
(ii) if the informant fails to appear before the learned court
below or (iii) if the informant deliberately gets reluctant to
reconcile the issue.



(Dinesh Kumar Singh, J)

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