

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35458 of 2015

Arising Out of PS.Case No. -825 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Md. Naushad Khan @ Naushad Khan Sonof Md. Usuph kha, resident of
Village Darbechak, P.s Fatehpur, district Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rokhsana Tabassum W/o Md. Naushad Khan, D/o Md. Sahbuddin Khan
R/o Lohanipur, P.S. Akabarpur, dist Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

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

03/ 24-09-2015

Heard learned counsels for the petitioner and the
State.

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 of the
Indian Penal Code and 4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

complainant and has not performed second marriage. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 7 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity.”

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

Both sides agree to appear before the learned court below on 5th 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, Nawada in connection with Complaint Case No. 825 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 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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