

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37923 of 2015

Arising Out of PS.Case No. -1807 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Afajal Alam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Advocate

For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that in 2011, the complainant eloped with one Firoz, when Khaira P.S. Case No.143 of 2011 was lodged by the petitioner. Though father of the complainant earlier filed Baniyapur P.S. Case No.7 of 2012 levelling accusation under section 498A IPC and 3/4 of the Dowry Prohibition Act whereas the police, on conclusion of the investigation, submitted final form on finding the accusation false. In spite of the above fact, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner is still ready to keep her with dignity.."

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, Saran at Chapra in connection with Complaint Case No.1807 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 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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