

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43124 of 2014

Arising Out of PS.Case No. -1422 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Shakeel, Son of Md. Dahaur, Resident of village – Darhipatti, P.S.
Minapur, District – Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Zarina Khatoon Wife of Md. Shakil Daughter of Md. Haider Resident of village – Darhipatti, at present residing at village – Ali Neura, P.S. Minapur, District – Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 07-08-2015

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 323, 498A/34 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 marriage between the petitioner and the complainant and birth of a female child are admitted facts.

It is submitted by learned counsel for the



petitioner 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 6 of the petition, which reads as follows:- **“ That the petitioner comes from poor family and for sometime he had gone to Kashmir for earning his livelihood but now he has come at his house and is ready to keep the complainant with full dignity and honour.”**

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner provided the petitioner keeps her with him.

Counsel for the petitioner submits that the petitioner is ready to keep the complainant with him.

Both sides agree to appear before the learned court below on 24th of August, 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, East Muzaffarpur in connection

with Complaint Case No. 1422 of 2013, 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.

If the petitioner fails to comply the undertaking given before this Court, the complainant will be at liberty to file application for cancellation of the bail of the petitioner.

(Dinesh Kumar Singh, J)

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