

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37707 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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Md. Ashib @ Md. Asib, S/o Late Md. Manir, resident of village-p Pirpanti,
Nathnagar, Police Station- Lalmatiya (Nathnagar), District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Afshana Parveen, D/o Md. Ilyas Ansari, @/o Md. Ashib @ Asib,
resident of Abir Mishra Lane, Champanagar, Police Station-Nathnagar,
District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 12 of the petition which reads as

follows:-

“That the petitioner is husband and ready to keep the opposite party no. 2 with full dignity and quite peacefully for which he has also filed a case vide Matrimonial Case No. 472 of 2014 for restitution of conjugal right under Section 281 of Muslim Law in the Court of learned Principal Judge, Family Court, Bhagalpur prior to lodging of this case”.

Petitioner has filed Matrimonial Case No. 472 of 2014 for restitution of conjugal right.

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 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, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 04 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within one year by the learned court below in three

eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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