

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38622 of 2015

Arising Out of PS.Case No. -155 Year- 2015 Thana -BODHGAYA District- GAYA

- =====
1. Firoza Khatoon wife of Ali Raza Khan@Bechu Khan
 2. Nargish Khatoon
 3. Zuhi Khatoon Both D/o Ali Raza Khan@Bechu Khan
 4. Azad Khan Son of Ali Raza Khan@Bechu Khan All resident of Village-Rampur, P.s Ariyari District Shekhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.39475 of 2015

Arising Out of PS.Case No. -155 Year- 2015 Thana -BODHGAYA District- GAYA

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Reyaz Khan @ Raju Khan son of Ali Raja Khan, resident of Village-Rampur, Police Station-Ariyari, District-Shekhpura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.38622 of 2015)

For the Petitioner/s : Mr. Raj Kishor Prasad

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

(In Cr.Misc. No.39475 of 2015)

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015

Petitioners of Cr. Misc. No. 38622 of 2015

being mother, sisters and brother of the husband of the informant and petitioner of Cr. Misc. No. 39475 of 2015 being husband of the informant are apprehending their arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry

Prohibition Act.

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

It is submitted by learned counsel for the petitioners that petitioner Reyaz Khan admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That petitioner is husband,
he is ready to keep the informant as wife with full
dignity”

Learned counsel for the informant, on instruction is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 7th of September, 2015, when the petitioner Reyaz Khan @ Raju Khan will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the petitioner Reyaz Khan @ Raju Khan, let the petitioner Reyaz Khan @ Raju Khan, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of

learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 155 of 2015.

The provisional anticipatory bail of the petitioner Reyaz Khan @ Raju Khan will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

Considering the present stand of petitioner Reyaz Khan @ Raju Khan, let the petitioners of Cr. Misc. No. 38622 of 2015, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 155 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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