

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38738 of 2015

Arising Out of PS.Case No. -416 Year- 2008 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Md. Kalimuddin @ Kalimuddin, Son of Late Md. Nezamuddin,
Resident of Village- Lengura, P.S. Rajauli, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

2. Afsana Khatoon @ Rukhsana Khatoon, D/o Md. Rahman, At present
Resident of village- Akauna, P.S.- Sirdala, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein
processes were directed to be issued after cognizance being
taken for the offences punishable under Sections 498A of the
Indian Penal Code and Section 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
petitioner that though complaint was filed in 2008 but
processes were directed to be issued in 2010. The petitioner
admits his marriage with the complainant and is ready to keep
the complainant as wife with dignity and honour. A statement
to that effect has been made in para 10 of the petition which
reads as follows:-

“That the petitioner is still

ready to keep his wife with full dignity and honour’

Considering the present stand of the petitioner, let the petitioner, 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 six months, on furnishing bail bond 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. 416 of 2008.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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

(Dinesh Kumar Singh, J)

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