

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40916 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

=====

Md. Irshad Ansari @ Md. Irshad @ Irshad Ansari

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 406, 504, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant in 2004 and has filed matrimonial suit for divorce but the matter ended into compromise. Thereafter, the informant deserted the petitioner leading to filing of Matrimonial Suit No.13 of 2015 for restitution of conjugal rights on 12.01.2015 and on the same day i.e. the present complaint was filed. However, the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as

follows:-

"14. That the petitioner is always ready to keep the opposite party no.2 will full dignity and honour..."

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No.39 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--