

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41587 of 2015**

Arising Out of PS.Case No. -17 Year- 2015 Thana -HISUA District- NAWADA

=====

Md. Naushad Alam

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Devendra Prasad Singh

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

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 02-09-2015

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 498A, 341, 323, 504 and 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner 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 10 of the petition which reads as follows:-

*“That the petitioner is always ready to keep the informant as wife with full dignity and honour.”*

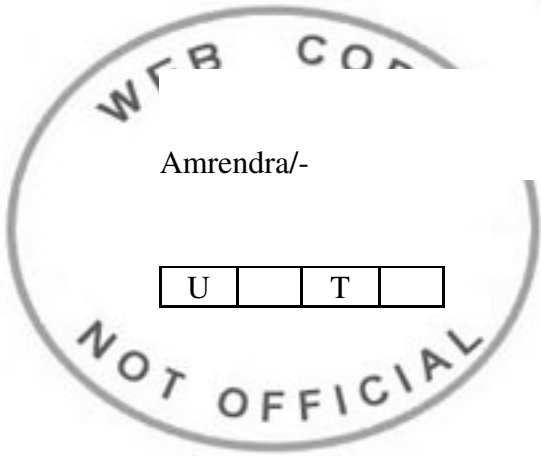
It is further submitted that the petitioner filed Matrimonial Case No. 246 of 2014 for restitution of conjugal life and above all the similar was the stand of the petitioner before the learned court below when in spite of notice being issued, the informant chose not to appear which gets reflected from the impugned order.

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, Nawada in connection with Hisua Case No. 17 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)**