

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49553 of 2015

Arising Out of PS.Case No. -891 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

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Md. Inam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A 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 complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That still I am ready to keep the complainant of this case who is my wife with all respect.”

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner but the petitioner has not made payment of maintenance as awarded in the maintenance proceeding.

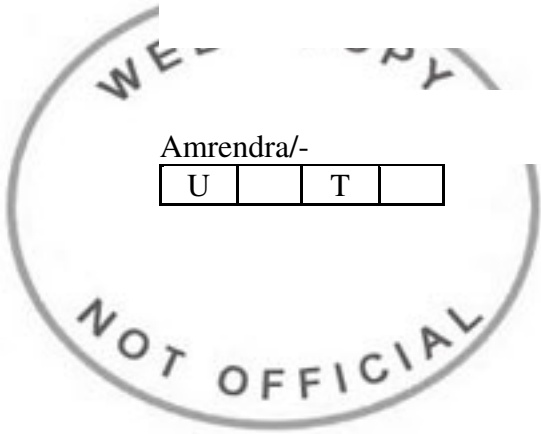
Both sides agree to appear before the learned court below on 23rd of November, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 SDJM, Jamui in connection with Complaint Case No. 891C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

This Court has not opined with regard to payment of

maintenance amount which will be paid by the petitioner as per
the direction of learned court below.



Amrendra/-

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(Dinesh Kumar Singh, J)