

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42318 of 2015

Arising Out of PS.Case No. -1097 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Md. Irfan

.... Petitioner/s

Versus

1. State of Bihar,
2. Bibi Nasima Khatoon

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2015 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 processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands after 14 years of marriage.

On instruction it is submitted that the petitioner admits his marriage with the complainant and birth of three male and one female children is ready to keep the complainant as wife with full dignity and honour.

Statement to the aforesaid effect has been made in paragraph no. 13 of the petition which reads as follows:

“That the petitioner is ready to keep the complainant and his children with him with full dignity and respect.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Saharsa in connection with Complaint Case No. 1097C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities –
(i) if the matrimonial harmony is substantially restored or

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

(Dinesh Kumar Singh, J)

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