

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46326 of 2015

Arising Out of Complaint Case No. -787 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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Md. Saiyad Hannan @ Md. Hannan S/o Late Saiyad Kamal Ahmad
..... Petitioner/s

Versus

1. The State of Bihar.
2. Nishat Aafrin W/o Saiyad Hannan Ahmad, Daughter of Md. Mansoor
Alam Siddique
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under section 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 complainant and the petitioner always wants to keep the complainant with dignity and honour but it is the complainant who deserted the petitioner. A statement to that effect has been

made in para 11 of the petition which reads as follows:-

"11. That it is relevant to mention here that the complainant never resident with the petitioner in continuity even for a month rather she used to spend much time in her maika having without any cogent reason she use to go her maika some times in names of search of any job and some times in name of false illness of her maika family members whereas the petitioner wants to keep her wife with full dignity but she refused every time to live together."

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 SDJM, Bhagalpur in connection with Complaint Case No.787 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 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.

(Dinesh Kumar Singh, J)

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