

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13236 of 2015

Arising Out of PS.Case No. -841 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Azmat Khan @ Md. Azmat Khan @ Tarjan S/o Md. Shaheen Badar Khan Resident of Village Kasba, Police Station Shambhuganj, District Banka. At present resident of Sanju Nagar, 36-40 Noori Masjid, P.S. and District Nasik Maharashtra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajda Khatoon W/o Azmat Khan @ Tarjan, D/o Md. Alam Resident of Village Kasba, Police Station Shambhuganj, District Banka. At present Resident of Village Garibpur, Naya Tola, Police Station Amarpur, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-03-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

On instruction it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the

complainant as wife with full dignity and honour. Statement to that effect has been made in para-13 of the petition.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 841 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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