

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42781 of 2014

Arising Out of PS.Case No. -180 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Irshad Son of Sohim Alam Resident of Village - Dayalpur, P.S.-
Falka, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Ruksana Wife of Md. Irshad, Daughter of Abdul Gaffar Resident of
Village - Dayalpur, P.S.- Falka, District - Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 02-03-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Section 498A/34 of the Indian
Penal Code.

The basic accusation is of torture for non fulfillment of
dowry demands.

On instructions, it is submitted that the petitioner is
ready to keep the complainant as wife with full dignity and honour
though inadvertently statement to that effect has not been made in
the petition. The petitioner has also filed a restitution case.

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 Katihar in connection with Complaint Case No. 180 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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