

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48444 of 2014

Arising Out of PS.Case No. -1837 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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Md. Kalamuddin S/o Daroga Miya Resident of Village Katsa, P.S. Baniyapur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subetara Khatoon W/o Md. Kalamuddin Village Katsa, P.S. Baniyapur, District Saran, at present D/o Sheikh Anwar Hussain Andharbari, P.S. Taraiyan, District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 06-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his 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 Dowry Prohibition Act.

The basic 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 11 of the petition, which reads as follows:- **“That petitioner being the husband is always ready to keep the complainant with full honour and dignity.”**

The marriage between the petitioner and the complainant having no issue is admitted fact.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but the petitioner, though, has filed Matrimonial Suit No. 166 of 2013 for restoration of conjugal right but failed to take the complainant which gets reflected from the impugned order itself.

Learned counsel for the petitioner submits that the petitioner wants to take a chance and is ready to appear regularly and keep the complainant with dignity and honour.

Both sides agree to appear before the learned court below on 24.08.2015 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 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, Saran at Chapra in connection with Complaint Case No. 1837 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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