

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15975 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

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Mumtaz Alam @ Momtaz Alam Son of SK. Nasin Resident of Village -
Parsa, P.S. Purushotampur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajaitu Nesha wife of Mumtaz Alam @ Momtaz Alam Daughter of SK.
Mahaldar Resident of Village - Parsa, P.S. Purushotampur, District -
West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 09-09-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Section 498A/34 of the Indian Penal
Cod and 3/4 of Dowry Prohibition Act.

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

It was submitted by learned counsel for the
petitioner that the petitioner is ready to keep the informant as wife
with full dignity and honour. Statement to that effect has been

made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with all dignity and similar was his stand before the court below but the informant refused to live with the petitioner, which reveals from the Sessions Judge’s order too.”

Though, the matter was referred to the Mediation but the report of the Mediator dated 29.06.2015 reflects that the issue could not be reconciled with the process of mediation.

Counsel for the petitioner submits that the petitioner is still ready to keep the informant as wife with full dignity and honour and similar was the stand before the learned Sessions Judge.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

In the circumstances, both sides agree to appear before the learned court below on 01.10.2015 when the petitioner will take the informant 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 six months 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, Bettiah, West Champaran in connection with Purshottampur P.S. Case No. 02 of 2015, 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 by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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