

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1179 of 2015

Arising Out of PS.Case No. -1139 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Jakir

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-01-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case in which process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A/34 of the Indian
Penal Code.

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

On instruction, learned counsel for the petitioner
submits that the petitioner is ready to keep the
complainant/opposite party no.2 as wife with full dignity and
honour. A statement to that effect has been made in para 10 of
the petition which reads as follows:-

“That further needful to stated here that

petitioner is ready to keep as wife with due dignity if she is ready to live as wife with petitioner.”

It is further submitted that similar was the stand of the petitioner before the learned court below but in spite of valid service of notice, the complainant failed to appear before the learned court below.

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 Sub-divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 1139 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 when on her appearance, the petitioner will take the complainant to her matrimonial house 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)

Amrendra/-

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