

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9197 of 2015

Arising Out of PS.Case No. -1374 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Zabir @ Md. Zakir

.... Petitioner

Versus

1. The State of Bihar.
2. Rabina Khatoon.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate.

For the State : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-03-2015

Heard the learned counsels for the

petitioner and the State.

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

The accusation is of torture for non-fulfillment of 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, a statement to that effect has been made in paragraph no. 09 of the petition which reads as follows:-

"9. That such type of occurrence has not been occurred, whenever petitioner is ready to keep her with all dignity, but she is not ready to live".

Considering the present stand of the petitioner, let the petitioner, above named, 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 in connection with Complaint Case No. 1374 of 2012 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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.e., (i) if the matrimonial harmony is substantially restored within one year (ii) or the complainant fails to appear before the learned court below (iii) or she gets reluctant to reconcile the issue.

U.K./-

(Dinesh Kumar Singh, J)

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