

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9525 of 2015

Arising Out of PS.Case No. -87 Year- 2014 Thana -NAWINAGAR District- AURANGABAD

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1. Afzal Hussain Son of Ajmal Hussain resident of Mohalla - Mansuri
Muhalla Shanitchar Bazar, Navinagar, Police Station - Navinagar,
District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Nahid Kaushar w/o Afzal Hussain resident of Mohalla - Mansuri
Muhala Shantichar Bazar, Navinagar, Police Station - Nabinagar,
District - Aurangabad At present address : resident of village Kajee
Muhala Purani Aurangabad, Town, District - Aurangabad.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anil Kumar
For the Opposite Parties : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 498A, 506/34 of the I.P.C and Section 3/4 of the Dowry Prohibition Act.

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

On instructions, it is submitted by learned counsel for the petitioner that petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is stated that the
petitioner has agreed with residing her wife and he
is ready to keep in his house with her

dignity.....”

It is further submitted that petitioner has also filed Miscellaneous Case No. 89 of 2014 before the Principal Judge, Aurangabad for restitution of conjugal life.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 87 of 2014.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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