

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37601 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -LAUKHI District- MADHUBANI

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Md. Zamir @ Md. Jamir

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 341,323,504,506,498A and 494 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

On instruction it is submitted that the petitioner admits his marriage with the complainant and has not performed second marriage. Statement to that effect has been made in paragraph 10 of the petition, relevant portion of which reads as follows:

“.....petitioner has not solemnized second marriage.”

It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition which reads as follows:

“That petitioner is the husband of the informant and he is ready to keep the informant with all respect.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 16 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the informant 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) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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