

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46936 of 2014

Arising Out of PS.Case No. -1325 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Zahid Khan, S/o Javed Khan, Resident of Mohalla Gadhpar, Police Station
Bihar, District Nalanda.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Ishrat Khatoon, W/o Zahid Khan, Resident of Pakki Talab, Police Station
Laheer, District Nalanda.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate
For the Opposite Party/s : Mr. Murlidhar, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 09-02-2015

Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case for the offences punishable under Sections 498A and 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfilment of dowry.

On instruction, it is submitted by the leaned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to the effect is mentioned in paragraph 6 of the petition, which reads as follows :

“6. That he is ready to keep his wife with full dignity and honour for this he has also made full effort before the court below but the complainant is not ready to

live with him because she did not want to live with her mother-in-law, from very beginning she used to say that she did not want to live with her mother-in-law.”

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 his 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Complaint Case No.1325(C) of 2013, 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 within one year by the learned court below in three eventualities: (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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