

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33921 of 2015

Arising Out of PS.Case No. -2082 Year- 2007 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Shafiuddin Ahmad, S/o Late Fakhruddin Ahmad, resident of Ahmad Villa,
Ramna Road, P.S.- Pirbahore, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shagufta Naseem, wife of Shafiuddin Ahmad, resident of Ahmad Villa,
Ramna Road, P.S.- Pirbahore, District- Patna. At present residing at
Nishat Manzil, Balua Tal, P.S.- Town Thana, Town and District-
Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 13-08-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the

complainant is apprehending his arrest in a complaint case wherein

process has been directed to be issued after cognizance being

taken for the offences punishable under Section 498A of the

Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand.

On instruction it is submitted by learned counsel

for the petitioner that the petitioner admits the marriage with the



complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 19 of the petition, which reads as follows:- **“That the petitioner is still ready to keep her wife (the complainant) with full dignity and all respect. And for that the petitioner visited to his Sasural to bring back the complainant, but she is not ready to live with the petitioner after Sasural.”**

Considering the fact that the complaint was instituted in 2007, the present application has been filed in 2015 and the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Motihari in connection with Complaint Case No. 2082(C) of 2007, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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.

(Dinesh Kumar Singh, J)

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