

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40785 of 2014

Arising Out of PS.Case No. -577 Year- 2011 Thana -COMPLAINT CASE District- SUPAUL

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1. Md. Kalam son of Md. Akhtar, Resident of Village- Dinapatti, P.S.-
Pipra, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Sayra Bano, W/o Md. Kalam, d/o- Md. Ismail, Resident of Mohalla-
Hussain Chowk, Ward No. 20 (Nagar Parishad), P.S. AND Dist- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 341,323 and 498A of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That, being husband the petitioner is still ready to keep

her wife (complainant) with full respect and dignity.”

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, Supaul in connection with Complaint Case No. 577C of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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