

Arising Out of PS.Case No. -27977 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

.... Petitioner/s

1. The State of Bihar
2. Shaista Almas Wife of Md. fariduddin Naushad, daughter of Abdul Khalique, resident of Mohalla - Darzi Tola, Chaman Manzil, Sabzibagh, Police Station - Pirbahore, District-Patna

.... Opposite Party/s

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Dr. Indihar Kumari, (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR

SINGH

2 22-07-2015

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case in which cognizance has been taken under sections 498-A, and 323 of the Indian Penal Code.

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

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to this effect has been made in paragraph no. 15 of the petition which reads as

follows :-

“That the petitioner is ready to keep the complainant and his children with him with all 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 the learned Chief Judicial Magistrate, Patna in connection with Complaint Case No 27977 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

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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