

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13350 of 2015

Arising Out of PS.Case No. -422 Year- 2012 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Shamim Anwar son of Md. Tufail Ahmad @ Jahirul Islam Khan
Resident of Mohalla - Nakchhed Tola (Islam Bagh), Police Station -
Motihari (Town) District - East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kahkashan Praveen wife of Md. Shamim Anwar, Daughter of Dr. Jaffar
Imam Khan at present Resident of Mohalla - Agarwa Gali No. 1, Police
Station - Motihari (Town), District - East Champaran (Motihari).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2015 Petitioner being husband of the informant is
apprehending his arrest in a case registered for the offences
punishable under Sections 498A/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is torture for non-
fulfilment of dowry demand.

It is submitted by learned counsel for the
petitioner that petitioner is ready to keep the informant as wife
with full dignity and honour. A statement to that effect has
been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready to
keep the informant/O.P. No. 2 with full dignity and
honour.

The notices were issued to the informant/O.P. No. 2 vide order dated 01.04.2015. The office note dated 10.08.2015 reflects that notices were received by informant/O.P. No. 2 but she refused to acknowledge the receiving. In the circumstance, the notices issued to informant/O.P. No. 2 are deemed to be validly served. Today also none is appearing on behalf of the informant.

In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 422 of 2012, G.R. No. 7366 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present order will not preclude the informant to reconcile the issue. If she files such application before learned Court below then learned Court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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