

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21553 of 2015

Arising Out of PS.Case No. -196 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

Md. Shamim Shah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 148, 379, 323, 506 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner has already divorced the complainant as per the Muslim ritual.

Learned counsel for the complainant submits that the complainant denies the factum of divorce and she is still ready

resume the conjugal life.

Considering the fact that the factum of divorce is in dispute, let the above named petitioner be released on provisional anticipatory bail for six months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Complaint Case No. C-1/196 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry with regard to factum of divorce. If the leaned court below comes to the conclusion that the petitioner has actually divorced the complainant then the provision bail of the petitioner will be confirmed and if the learned court below comes to the conclusion otherwise then the petitioner will surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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