

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23481 of 2015

Arising Out of PS.Case No. -719 Year- 2014 Thana -KATIHAR District- KATIHAR

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1. Md. Shabir Son of Late Md. Halim Resident of village - Sultanpur
Balua, P.S. Amarapur, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Rozi Khatoon Wife of Md. Shabir, D/o Riyajul Haque Resident of
village - Larkaniya Tola, Katihar, Ward No. 18, P.S. Katihar, District -
Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Bharat Bhushan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 19-05-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
informant is apprehending arrest in a case registered for
the offences under Sections 498A/34 of the Indian Penal
Code and sections 3 and 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner has filed Matrimonial Case
No. 192 of 2014 for restitution of conjugal rights and the

petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“That it is stated that petitioner is always ready to keep his wife with full honour 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 CJM Katihar in connection with Katihar Town P.S. Case No. 719 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the informant 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 informant fails to appear before the learned court
below or (iii) if the informant deliberately gets reluctant to
reconcile the issue.

(Dinesh Kumar Singh, J)

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