

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1605 of 2016

Arising Out of PS.Case No. -1293 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Malik Mohammad Afsar Khan Son of Captain Hafiz Khan Resident of
village - Majhaulia Raj Tola, Ali Nagar, P.S. - Salempur, Distt. - Deoria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasrin Khatoon Daughter of Md. Amin Resident of Village - Lahuaan,
P.S. - Barharia, Distt. - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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

ORAL ORDER

3 09-05-2016 Though the matter has been listed under the heading

‘For Orders (On Office Notes)’ awaiting service of notice issued

to O.P. No. 2 but since Mr. Yash Raj, learned counsel has entered

appearance on behalf of O.P. No. 2, the matter is being taken up

on merits.

Heard learned counsels for the petitioner,

complainant and the State.

The petitioner and the complainant are present.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case in which processes were
directed to be issued after cognizance being taken under Sections
498A and 406/34 of the Indian Penal Code and section 4 of Dowry

Prohibition Act.

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

The petitioner admits his marriage with the complainant. 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 15 of the petition which reads as follows:

“That it is submitted that petitioner is ready to keep the complainant with all respect and dignity and resolve the dispute.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. It is further submitted that the complainant will go to the native place of the petitioner at Deoria (U.P.) after 15th June, 2016 and after two months the petitioner will take the complainant to his place of working. Both petitioner and the complainant agree to appear before the learned court below on 12.5.2016 when the petitioner will take the complainant to Siwan to keep her as wife with full dignity and honour. The complainant will stay at Siwan till 14th June, 2016.

Considering the present stand of the parties, 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 SDJM, Siwan in connection with Complaint Case No. 1293 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)

Anil/-

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