

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34151 of 2016

Arising Out of PS.Case No. -2458 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Ful Babu, S/o Late Md. Daud, resident of Mohalla- Maripur Imlichatti,
Under Over Bridge, P.S.- Brahampura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Gulshan Khatoon, W/O Md. Ful Babu, D/O Md. Halim, resident of Village- Maripur, P.S.- Brahampura, District- Muzaffarpur, at present resident of Balthi Mushahari, P.S.- Bochahan, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 08-09-2016 Heard learned counsels for the petitioner and the State.

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

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows:-

“That, the petitioner being husband of the complainant is always ready to keep his wife/complainant with full dignity and honour, but it is the complainant she does not want to live with him.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate (East), Muzaffarpur in connection with Complaint Case No. 2458 2013, Trial No. 1759 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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) on

substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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