

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1456 of 2016

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1. Md. Nezamuddin Son of Abdul Khalique, resident of village- Khatahan
Loknathpur, P.S.- Muffasil Motihari, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

2. Anwari Begum daughter of Sk. Shamsul, resident of village- Haridya
P.S.- Chhauradano, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr. Rina Sinha (App)

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

2 11-01-2016

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 punishable under Sections 342, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Suit No. 273 of 2015 for restitution of conjugal rights and is still 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 undertakes to keep his wife full dignity and honour, respect and comfort, safety and security.”

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 Judicial Magistrate, 1st Class at Motihari, East Champaran in connection with Chhauradano P.S. Case No. 155 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ranjan/-

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