

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8978 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -MANSAHI District- KATIHAR

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Md. Ishrafil son of Md. Ishahaqe, resident of Village-Chitouriya, P.S.-
Mansahi, District-Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Ambiya Khatoon, wife of Md. Ishrafil, daughter of Md. Jalal,
resident of Ranipatra, Chotouriya, P.S.-Mansahi, District-Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-02-2016

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

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

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is 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. The relevant portion of which reads as follows:-

“.....The petitioner is
still ready to continue with the marriage and ready to
keep her with due care and love.”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Katihar in connection with Mansahi P.S. Case No. 97 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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