

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9866 of 2016

Arising Out of PS.Case No. -1250 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Md. Shahabuddin, son of Late Md. Ishaque, resident of Village-Khaira
Azimabad, P.S.-Chhabilapur, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Farhat Jabi @ Nagma Jabi, wife of Md. Shahab, daughter of Md.
Nazamuddin, P.S.-Rahui, District-Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken 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 complainant has filed Matrimonial Case No. 246 of 2015 for restitution of conjugal life. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 the petition which reads as follows:-

“That the petitioner is always ready to keep his wife for which the petitioner has already filed one Matrimonial Case No. 246 of 2015 on 07.08.2015 in the Family Court, Biharsharif, Nalanda”

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 Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Complaint Case No. 1250C of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant 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 complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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