

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9878 of 2016

Arising Out of PS.Case No. -611 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Md. Ajmullah Son of Md. Jalil Ansari Resident of Village- Nakchhed tola,
P.s Town Motihari District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raisa khatoon W/o Md. Ajmaullah R/o Vill-Nakachhed tola P.s town
Motihari District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 14-07-2016

Though, the office note dated 13.07.2016 reflects that opposite party no. 2 has refused to grant receipt of the notices received by her, but since opposite party no. 2 has entered appearance through the counsel, the matter is being taken up for admission.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 148, 149, 323, 354B, 307, 406, 420, 498A, 120B of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand and making attempt on the life of the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a child. Though, the petitioner has filed Matrimonial Suit No. 192 of 2015 with a prayer for divorce on 23.06.2015 and thereafter the present FIR was registered on 12.09.2015, but the petitioner is ready to keep the informant as wife with full dignity and honour and the petitioner denies the factum of second marriage.

However, counsel for the informant submits that, though, the informant has definite information that the petitioner has performed second marriage with one Sabana Khatoon but she is still ready to resume the conjugal life.

Both sides agree to appear before the learned court below on 25th of July, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 611 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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