

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11156 of 2016

Arising Out of PS.Case No. -84 Year- 2011 Thana -BELSAND District- SITAMARHI

=====

1. Md. Nasim @ Bechu S/o Md. Nasir, R/o Village- Belsand, Hasanpur
Tole, P.S.- Belsand, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Taranum Khatoon W/o Md. Nasim, A/p D/o Late Md. Jahur, R/o Villae-
Nanpur, P.S.- Nanpur, District- Sitamarhi

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Jha
For the Opposite Party/s : Mr. Pushpa Sinha-Ii(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 504, 498A, 494, 379 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 and performing second marriage.

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 which reads as follows:-

“That the petitioner is ready
to keep the complainant as wife with full dignity,

respect and honour.”

It is further submitted that petitioner has not performed second marriage. A statement to that effect has been made in para 9 of the petition. The relevant portion of which reads as follows:-

“.....neither

allegation of second marriage of the petitioner has been alleged in the complaint petition nor the petitioner has entered in second marriage”

Considering the aforesaid 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 Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Belsand P.S. Case No. 84 of 2011.

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.

The provisional bail of the petitioner will also not be confirmed if substantial proof comes that petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--