

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11271 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

=====

1. Shamshad Alam Son of Late Sharfuddin Alam Resident of Mohalla -
Karimganj Belgali, P.S. Civil Lines, District - Gaya, Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-07-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 498A, 386, 304 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that it appears that the case has wrongly been registered under Section 304 I.P.C as there is no such accusation in the First Information Report.

The prosecution case is that the informant got married with the petitioner in the year 2008 and thereafter she came to know that petitioner was earlier married and there were four children from the first marriage. From the second marriage also two children were borne. Thereafter, torture was inflicted for non-fulfilment of dowry demand and the informant

was driven out from the matrimonial house.

The petitioner and the informant are present.

It is submitted by learned counsel for the petitioner that petitioner is ready to keep the informant and the children with dignity and honour. A statement to that effect has been made in para 16 of the petition which reads as follows:-

“That the petitioner is ready
to keep the informant as her wife with all dignity
and love and affection.”

It is submitted by learned counsel for the informant that informant is not only bringing up her own two children but also the two children of the first wife. The complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 4th of August, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 one year 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, Xth, Gaya in connection with Nimchak Bathani P.S. Case No. 180 of 2015.

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 one year (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)

Shageer/-

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