

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15114 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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Md. Saddam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a case registered for the offences punishable under Section 341, 323, 498A, 504/34 of the Indian Penal Code and under Section 3 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The petitioner admits marriage with the informant. On instructions, it is submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 16 of the petition which reads as follows:

“16. That the petitioner is ready to settle the matrimonial dispute with the informant and he is also ready to keep her with full dignity and honour as his wife but the informant herself refused to live with the petitioner.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Darbhanga in connection with Manigachhi P.S. Case No. 188 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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