

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18469 of 2016

Arising Out of PS.Case No. -63 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

=====

1. Md. Khairuddin Khan @ Md.kharuddin @ Md. Khairuddin Khangh Son
of Maimuddin Khan, resident of village- Pathara, P.S.- Tirbeniganj,
District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Sajida Khatoon Daughter of Fakhruddin Khan, resident of village-
Singdaha, P.S.- Jhanjharpur (Arariya Sangram), District- Madhubani

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 504, 506, 379, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant claims to have married with the petitioner five years ago, whereupon the torture was inflicted for non-fulfilment of dowry demand and subsequently the informant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and has filed Matrimonial Suit No. 25 of 2015 for the restitution of conjugal life. The petitioner is ready to keep the informant as wife with full dignity and honour. A

statement to that effect has been made in para 13 of the petition which reads as follows:-

“That petitioner is husband of opposite party No. 2 and he is ready to keep her with all respect.”

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 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, Jhanjharpur, Madhubani in connection with Jhanjharpur(A.S.O.P) P.S. Case No. 63 of 2015.

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 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	
---	--	---	--