

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21930 of 2016

Arising Out of PS.Case No. -53 Year- 2014 Thana -SONBERSA District- SITAMARHI

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Md. Anwar Son of Md. Habib

.... Petitioner/s

Versus

1. The State of Bihar

2. Shabnam Khatoon wife of Md. Anwar D/o Late Md. Habib

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-09-2016

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"That the petitioner is ready to keep the informant and his children with full dignity and love....."

It is further submitted that the petitioner has performed second marriage.

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner in spite of the fact that the petitioner has performed second marriage, but the petitioner is making this offer just in order to get bail as the order of the learned Sessions Judge reflects that the petitioner is not serious about keeping the informant as wife with dignity and honour. This fact has been recorded in paragraph no.6 of the impugned order, which reads as under:-

"From the conduct of the petitioner, it appears that he is not very serious to keep his wife."

In view of the present stand of the petitioner, this Court is inclined to give an opportunity to the petitioner to get the issue reconciled.

Both sides agree to appear before the learned court below on 18th October, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the same, let the above named petitioner be released on provisional anticipatory bail for six months 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

₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Sonbarsa P.S. Case No.53/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

Ashwini/-

(Dinesh Kumar Singh, J)

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