

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22817 of 2016

Arising Out of PS.Case No. -56 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Badre Alam @ Md. Badre Alam @ Munna, S/o Kamre Alam, residents of
village- Bakarganj, Near back of jama masjid, Police Station-
Laheriyasarai, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahjadi Begum @ Chandani, W/o Md. Badre Alam @ Munna and D/o
Late Md. Shamim, presently residing at village- Basuli, Police Station-
Bahera, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 406, 408A, 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity

and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That it is stated that the petitioner is the husband of the complainant and he is ready to keep his wife with full honour and dignity. ”

Statement has been made in para-10 of the petition that petitioner has not performed second marriage. The impugned order reflects that informant refused to accept the offer of the petitioner to reside together.

In view of the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipur, Darbhanga in connection with Complaint Case No. 56 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within four months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets

reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.



(Dinesh Kumar Singh, J)

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