

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23030 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -THAWE District- GOPALGANJ

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Md. Mustafa Alam @ Mustafa Alam Son of Shah Alam Resident of village
- Jagmalwa, Police Station Thawe, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajbun Khatoon Daughter of Md. Farooque Wife of Md. Mustafa Alam
Residentt of village - Dumariya, Police Station Uchakagaon, Distict -
Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016 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, 341, 323, 504 and 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and 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 the petitioner is still ready to keep the informant with full dignity and honour as his wife.”

It is further submitted that similar was the stand of the petitioner before the learned court below.

It appears that the learned court below granted interim order to the petitioner on the ground of reconciling the issue but the petitioner left the informant outside the court.

Considering the present stand of the petitioner, this Court is inclined to give one more chance to the petitioner, hence, let the above named petitioner be released on provisional anticipatory bail for four 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, Gopalganj in connection with Thawe P.S. Case No. 11 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

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.

(Dinesh Kumar Singh, J)

Amrendra/-

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