

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46753 of 2015

Arising Out of PS.Case No. -1144 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Babloo Son of Md. Jahir Resident of Village - Bhangilal Tola
Rahatpara, P.S. - Sadar Muffassil (Ranipatra), District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahnaz Parveen D/o- Md. Naushad Resident of Village - Bhangilal
Tola Rahatpara, P.S. - Sadar Muffasil (Ranipatra), District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 28-04-2016 Heard learned counsel for the petitioner and
learned APP for 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 323, 498A, 406, 324 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner and complainant are present.

It is submitted by the learned counsel for the

petitioner that petitioner has filed Matrimonial Suit No. 570 of 2014 for restitution of conjugal life, wherein during reconciliation the complainant refused to resume the conjugal life with the petitioner. The petitioner admits the marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That the petitioner is unfortunate husband of O.P. No. 2 and always ready to keep his wife (O.P. No. 2) with full honour and dignity but she herself not ready to live with the petitioner.”

Learned counsel for the complainant submits that the complainant is now ready to accept the offer of the petitioner.

Both the petitioner and complainant appear before the learned court below on 16th of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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, Purnea in connection with Complaint Case no. 1144 of 2014, subject to

the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year 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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