

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48262 of 2015

Arising Out of PS.Case No. -119 Year- 2015 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

=====

Shamim Ansari son of Najmullah Mian resident of Village Muzra Dhus,
P.O. Ramnagar, P.S. Ramnagar, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samasa Khatoon wife of Shamim Ansari daughter of Rasul Mian resident of Village Muzra Dhus, P.O. Ramnagar, P.S. Ramnagar, District - West Champaran. At present Narainpur, P.S. Ramnagar, District - West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 15-03-2016

Heard learned counsels for the petitioner and the
State.

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

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

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant and birth of a child. The petitioner has not performed second marriage, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That neither the petitioner has any extra martial relation with any lady nor he has solemnized his second marriage.”

It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is ready to keep the informant as his wife and he was ready in the court below too, but the informant denied to live with the petitioner on wrong plea.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the cruel conduct of the petitioner.

Both sides agree to appear before the learned court below on 5th April, 2016 when the petitioner will take the informant along with the child to keep them with 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, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 119 of 2015, 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 informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--