

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26318 of 2016

Arising Out of PS.Case No. -404 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Sakur Alam son of Ash Mohammad Mian, resident of Village- Bela Seikh
Toli, Police Station- Ramgarhwa, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.

2. Rafina Khatoon daughter of Late Baxix Mian, resident of Village-
Madhopur Madhumalat, Police Station- Turkauliya, District- East
Champaran.

.... Opposite Parties

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Appearance:

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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

ORAL ORDER

2 27-06-2016 Heard learned counsels for the petitioner and the

State.

Petitioner being the husband of the informant is

apprehending arrest in a complaint case wherein process has been

directed to be issued after cognizance being taken for the offences

punishable under Sections 498A of the Indian Penal Code and

Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non fulfillment of

the dowry demand.

Learned counsel for the petitioner submits that the

petitioner admits his marriage with the complainant and is ready

to keep the complainant with full dignity and honour. A statement to that effect has been made in Para-9 of the petition, which reads as follows:

“That it is false to say the petitioner has solemnized second marriage to the accused no.7. The petitioner is ready to keep his wife with full owner and dignity as a wife if she is ready to live with the petitioner.”

It appears from the impugned order that the complainant is ready to resume her conjugal life. The petitioner is not ready to keep the complainant as wife.

Learned counsel for the petitioner submits that now the petitioner is ready to keep the complainant.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S. D. J. M, Raxaul at Motihari, in connection with Trial No. 1980 of 2016 arising out of Complaint Case No. C-404 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 for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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