

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27121 of 2016

Arising Out of PS.Case No. -293 Year- 2014 Thana -MANIGACHI District- DARBHANGA

=====

Mahmood Alam @ Md. Mahmood Alam son of Taiyab Hussain, resident of
village - Nazra Mohammada, P.S. - Manigachhi, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Ayesha Khatoon wife of Mahmood Alam, D/o Md. Quais resident of
village - Gaina, P.S. - Manigachhi, District - Darbhanga.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Smt Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 30-06-2016 Heard learned counsels for the petitioner and the

State.

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

The accusation is of torture for non-fulfillment of
dowry demand. It is also alleged that the second pregnancy of the
informant was terminated by her mother-in-law. The petitioner
and other members assaulted the informant and took her signature
on plain stamp paper and snatched her ornaments and cloth and
ousted from the house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. There is no proof on record with regard to termination of pregnancy. The petitioner is still ready to keep the informant with full dignity and honour. A statement to that effect has been made in Para-14 of the petition, which reads as follows:-

“That the petitioner is ready to keep the informant with full dignity and comfort as his wife but she does not want to live with the petitioner.”

It is further submitted that the informant was present before the learned court below, but the petitioner could not reach in time, but he is ready to keep the informant with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months 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 Sub-Divisional Judicial Magistrate, Darbhanga in connection with Manigachhi Police Station Case No. 293 of 2014, 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)

Mishra/-

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