

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32842 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHILA PS District- KATIHAR

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1. Md. Nazir Hussain @ Md. Nazir Son of Md. Jamal resident of Baura P.S.
Korha District Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-08-2016

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 offence punishable under Sections 498A,307,379 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands. It is also alleged that the accused persons made an attempt to cause burn injury to the informant.

On instructions, it is submitted that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“ That in spite of this the petitioner is ready to keep the informant as a duly wedded wife with full honour and dignity.”

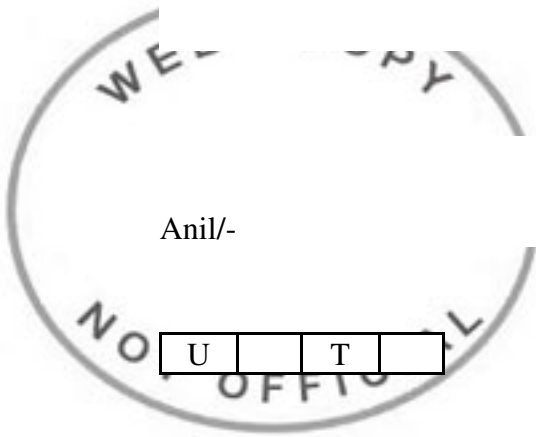
It is further submitted that earlier Complaint Case No. 1745 of 2013 was filed with similar accusation wherein the petitioner has been granted bail. Statement to that effect has been made in paragraph 2 of the supplementary affidavit.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with Mahila P.S. Case No. 10 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if

the informant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)