

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31588 of 2016

Arising Out of PS.Case No. -94 Year- 2015 Thana -SALKHUA District- SAHARSA

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Md. Israr @ Md. Israr Alam, S/o Late Sadik, resident of village- Puraini,
P.S.-Salkhua, District- Saharsa

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-07-2016

Heard learned counsel 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 Sections 341, 323, 498A/34 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.

The prosecution case is that the informant was married with the petitioner in 2007. Subsequently, three children were born, but two of them have died and one child is being kept by the elder brother of the petitioner. The informant was driven out from matrimonial house by the accused persons. When the mother of the informant came to reconcile the issue, but even then the accused

persons did not agree to keep the informant.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 8 of the petition which reads as follows:-

“That the petitioner is the husband of the O.P. No. 2 and he is ready to keep her with all dignity and honour.”

The impugned order does not suggest that there was any such stand taken by the petitioner before the learned court below.

In the circumstances, this Court is inclined to give an opportunity to petitioner and the informant to make an effort to reconcile the issue.

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 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 Additional Chief Judicial Magistrate-II, Saharsa in connection with Salkhua P.S. Case No. 94 of 2015, subject to the conditions as laid down under Section

438(2) of the Cr.P.C.

Let, the learned court below refer the matter for mediation before the Mediation and Conciliation Centre of the Bihar State Legal Services Authority after giving notice to the informant.

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)

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