

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28323 of 2016

Arising Out of PS.Case No. -806 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Md. Shohrab @ Md. Sorab son of Md. Rais Resident of Village - Gogi Pothia, P.S. - Simraha, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nabisha Khatoon D/o Md. Salim, W/o Md. Shohrab @ Md. Sorab resident of village - Khajurbari, Ward No. 6 Jogbani, P.S. Jogbani, District - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 12-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his 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 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is always ready to keep his wife with full dignity and respect.”

It is further submitted by learned counsel for the petitioner that the similar was the stand of the petitioner before the learned court below.

Considering the present stand of the petitioner, 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, Araria in connection with Complaint Case No. 806C 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 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 the learned court below in three eventualities:- (i) on

substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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