

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36475 of 2016

Arising Out of Complaint Case No. -1389 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Md. Saddam Hussain, Son of Shafid alias Shakil,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Barana Khatoon, Wife of Md. Saddam Hussain

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant 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 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and driving out the complainant from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is

ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition which reads as follows:-

" That the petitioner is always ready to keep the complainant with full dignity and affection..."

It is further submitted that similar was the stand of the petitioner before the learned Court below.

Considering the complaint was filed in 2013 and 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Madhepura in connection with Complaint Case No.1389 of 2013, subject to the conditions as laid down under Section 438(2) 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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