

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28346 of 2016

Arising Out of PS.Case No. -3155 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

Jaibul Haque S/o Arshed Ali R/o Hathia Diara, P.S. Rautara, Distt. -
Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubina Khatoon D/o Badruddin, W/o Jaibul Haque R/o Rautara,
Khanwa Tola, P.S. Rautara, Distt. - Katihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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/34
of the Indian Penal Code and 4 of Dowry Prohibition Act.

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



The earlier anticipatory bail application of the petitioner was disposed by a co-ordinate Bench of this Court (now retired) vide Cr. Misc. No. 25722 of 2014 when the learned Sub-divisional Judicial Magistrate, Katihar was directed to pass order in view of the ratio laid down in the case of Arnesh Kumar Vs. State of Bihar and Anr. Reported in 2014(3) PLJR 314 (SC).

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 9 of the petition, which reads as follows:-

“That the petitioner is even ready to keep his wife with full honour and dignity as per the muslim customs and society, who is solemnized 2nd marriage in the year 2016 after waiting and effort to take bidagari of his wife.”

This Court is not inclined to revise the earlier order. However, in views of the present stand of the petitioner and the nature of accusation, it is a case for consideration of regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with C.A. No. 3155 of 2012 pending in the court

of learned Sub-divisional Judicial Magistrate, Katihar.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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