

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32139 of 2016

Arising Out of PS.Case No. -183 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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Md. Sahab @ Bablu, S/o Late Md. Ahmed, resident of mohalla- Amin Colony, Katra near Gandhi Setu, Police Station- Khajekalan, District- Patna

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal, Advocate

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-08-2016 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, 307, 498A, 379, 315, 316 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 and due to brutally assault made by the petitioner, the pregnancy of the informant got terminated.

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- 17 of the petition which reads as

follows:-

“That the petitioner is ready to keep the informant with full dignity and honour. It is informant alone who does not want to live with the petitioner at Patna City, she preferred to live at Mumbai against the will of the petitioner, otherwise everything was normal.”

It is further submitted that there is nothing on record to suggest that the pregnancy of the informant got terminated.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four month 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 Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 183 of 2015, 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 informant 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 within four months 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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