

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27697 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -COMPLAINT CASE District- SUPAUL

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Mahboob Alam @ Md. Mahboob @ Md. Mahboob Alam @ Md. Alam son
of Md. Yakub, resident of Village- Maheshpur, P.S.+District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rabiya Bashari wife of Mahboob Alam, D/o Fajilat Hussain @ Lal Babu, resident of Village- Surtipatti, P.S.+District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 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 having one male child and petitioner filed

Matrimonial Suit No. 49 of 2015 for restitution of conjugal rights.

The petitioner is still ready to keep the complainant/informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is more than willing to restore his marital life with the complainant and ready to keep the complainant with all respect and dignity.”

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 27th of July, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Supaul in connection with Complaint Case No. 3(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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