

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28696 of 2016**

Arising Out of PS.Case No. -2412 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-  
GOPALGANJ

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Saifullah son of Mohd. Hansoor, Resident of Village- Rafi Indarwa, P.S.  
and District- Gopalganj.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Jahan Ara Khatoon wife of Saifullah, Daughter of Abul Hassan, Resident  
of Village- Rafi Indarwa, Post- Thawe, District- Gopalganj, At present  
Resident of Village- Harpur Bazar, P.S.- Uchakagaon, District- Gopalganj.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

2      13-07-2016                      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 and 323 of the Indian  
Penal Code.

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

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-9 of the petition which reads as follows :-

“That the petitioner is still ready to keep the Opposite Party No.2, if she is ready to live with the petitioner, in jointness, along with the parent of petitioner; if she is not ready then the petitioner is ready to maintain her and also ready to final settlement, which ever she likes peacefully.”

The petitioner has filed a petition under Section 6 of the Muslim Marriage and Divorce Act, 2005 for restitution of conjugal life.

Considering 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Complaint Case No.2412 of 2013, Trial No.1805 of 2016, 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 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)**

N.H./-

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