

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33413 of 2016**

Arising Out of Complaint Case No.-2387 Year- 2014 Thana -KATIHAR COMPLAINT CASE  
District- KATIHAR

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Ashfaq Alam S/o Md. Rezabul R/o Gidaruari, P.S.- Sarari, District-  
Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Arjan Khatoon D/o Harbhuj Ali R/o Devra Shishia, P.S.- Barari. Dist-  
Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Sri Sanjay Kumar, APP

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

3      24-11-2016      Heard learned counsels for the petitioner, complainant  
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  
Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of  
dowry demand.

The petitioner and the complainant are present.

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 para 10 of the petition which reads as follows:-

*"That it is important to mention here that the petitioner is still ready to keep his wife/complainant with great respect and honour of his Muslim customs.*

It is further submitted that the petitioner has filed Matrimonial Suit No. 1247/2014 on 01.09.2014 for restitution of conjugal life and thereafter the present complaint has been filed on 10.09.2014.

Learned counsel for the complainant submits that in spite of the fact that though the petitioner has performed second marriage, the complainant is still ready to resume the conjugal life, but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 12<sup>th</sup> December, 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 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, Katihar, in connection with Complaint Case No.2387/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)**

Ashwini/-

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