

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29092 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

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Md. Aftab @ Md. Aftab Alam, S/o Late Md. Moti the resident of
village/Mohalla-Husainpur, P.S.- Mojahidpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Saijiya Rahmani, D/o Late Md. Nurullah, resident of village- Husainpur,
P.S.-Habibpur, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh

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

ORAL ORDER

2 25-07-2016

The matter has been listed under the Heading to
be mentioned for certain query.

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, 324,
307, 498A, 504, 506, 354/34 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.

It is submitted by learned counsel for
the petitioner that petitioner admits his marriage with the
informant, but the petitioner has already given talak to the
informant and he is ready to remarry with the informant

as per Muslim rites. The impugned order reflects that similar was the stand of the petitioner before the learned court below and the informant accepted the offer of the petitioner.

Considering the factum of talak is in dispute, let the above named petitioner be released on provisional anticipatory bail for six months 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, Bhagalpur in connection with Mojahidpur P.S. Case No. 62 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 within six months by the learned court below if the issue will be reconciled between the parties, but if the issue could not be reconciled due to laches on the part of the petitioner, then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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