

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32792 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Arshad Alam son of Md. Yunus Shekh.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 498A and 379/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour.”

It appears from the impugned order that the informant

was ready to reside with the petitioner but the petitioner could not appear since he was abroad.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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, Madhubani in connection with Madhubani Mahila P.S. Case No. 09 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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