

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36547 of 2016

Arising Out of PS.Case No. -254 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Afsar Imam S/o late Md. Ali Imam
..... Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Khatoon W/o Asraf Imam D/o late Md. Ibrahim
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016 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 341, 323, 307/34,498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demand and made an attempt to cause burn injury to the informant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and there is nothing on record to suggest the accusation of causing burn

injury to the informant. The petitioner is still ready to keep the informant as wife with full dignity and honour. Though, in paragraph no.8 of the petition statement has been made that both parties are not ready to live together, but a further statement has been made in paragraph no.10 of the petition that the petitioner is still ready to keep the informant, which reads as follows:-

"That the petitioner is ready to keep her if she will not quarrel with him and his family member."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.254/2016, 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. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Ashwini/-

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(Dinesh Kumar Singh, J)