

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40970 of 2016

Arising Out of PS.Case No. -3058 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Sohrab Ali S/o-Late Suleman R/o-Seize Tola, Hasimpur, P.S.-Barari,
Distt- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Ajenoor, D/o-Muzaffar Ali, at Present R/o-Charkhi, P.S.-Korha,
Distt.-Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

2 20-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instruction it is submitted that the petitioner admits his marriage with the complainant after the death of first wife. Though the petitioner has given divorce to the complainant and

has filed Matrimonial Suit No. 400 of 2015 for confirmation of divorce but at the same time he is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition, the relevant portion of which reads as follows:

“.... the petitioner to give talaque forcibly, where the petitioner is ready to keep the complainant with respect which she deserves. ”

Learned counsel for the complainant submits that the petitioner has taken inconsistent stand, not only in the present proceeding but also before the learned court below which gets reflected from the impugned order. Hence, the complainant is willing to get the issue settled in terms of permanent alimony and is not accepting the factum of talaq.

In the circumstances, 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 six 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 SDJM, Katihar in connection with Complaint Case No. 3058 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on resolution of the issue between the parties.

(Dinesh Kumar Singh, J)

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