

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43347 of 2016

Arising Out of Complaint Case No. -557 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

=====

Saheb Alam Son of Majid Alam,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tahamina Begam W/o Saheb Alam D/o Ibrahim Mian

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s : Mr. Sri Kanhaiya Kishore, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant in 2002, though the complaint was filed in 2012 but the order of cognizance was passed on 10.11.2014. The accusation of demand of dowry after 10 years of marriage appears to be unreasonable. At earlier point of time, the complainant filed Complaint Case No.371/2011 with similar accusation which got dismissed. The petitioner is still ready to keep the complainant

as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"That, it is very much important to be considered in this case for the better determination of the case is that in spite of some misunderstanding of the complainant, the present petitioner is still willing to keep her with full honour and human dignity. ..."

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, Bagaha, West Champaran, in connection with Trial No.2385/2015 arising out of Complaint Case No.557/2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant 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 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/-

U		T	
---	--	---	--