

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53910 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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Md. Munna Ali @ Md. Munna @ Munna Ali S/o Md. Tahir Ali, resident of
Village- Balaha, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmeri Khatoon D/o Md. Islam, resident of Village- Balaha, P.S.-
Bihpur (Bhawanipur), District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 07-04-2016

Heard learned counsels 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 494, 498A, 341, 323, 504,
506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and is ready to keep the informant as wife with full

dignity and honour, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That it is relevant to mention here that the petitioner is ready to keep the informant (wife) with full dignity capacity, economic condition and honour.”

It is further submitted by learned counsel for the petitioner that second marriage is permissible under Mohammedan Law.

Counsel for the informant submits that the informant accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 25th of April, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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 Sub-divisional Judicial Magistrate, Naugachia, District - Bhagalpur in connection with Naugachia (Mahila) P.S. Case No. 08 of 2015, 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 one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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