

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53513 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Md. Gaffar Son of Md. Khalil, Resident of village- Gauda, P.S.-
Kusheshwar Asthan, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Sakila Khatun, Wife of Md. Gaffar, Daughter of Md. Motim, Resident
of village- Gauda, Post Office Sumha Dairi, P.S.- Kusheshwar Asthan,
District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

08/ 26-09-2016

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 341, 323, 324, 498A 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 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 3 of the supplementary affidavit, which reads as follows:-

“That the petitioner is always ready to keep his wife with full dignity and for the same he has tried many times at the social level but he could not get success.”

It appears that none appeared on behalf of opposite party no. 2 on 22.09.2016. Today also none is appearing on behalf of opposite party no. 2.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months 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, Biraul, District - Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 90 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 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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