

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37071 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Jabiullah Shah @ Jabiullah, son of Abdul Kalam, Shah, resident of village
Bagha, P.S. Ghorasahan, district East Champaran Petitioner

Versus

1. The State of Bihar
 2. Ashgari Khatoon, wife Jabiullah Shah, daughter of Neshar Shah, roev
Shekhauna, P.S. Ghorasahan, district East Champaran
.... Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Adv.

For the Opposite Parties : Smt. Asha Kumari, APP 197

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 29-08-2016 Heard the learned counsel for the petitioner and the
State.

The petitioner, being the husband of the informant,
apprehending arrest in a case registered under Sections 498A and
34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition
Act.

The basic accusation is of torture for non-fulfillment
of dowry demand.

On instruction, it is submitted that the petitioner
admits his marriage with the informant and is ready to keep the
complainant as wife with full dignity and honour. Statement to
the aforesaid effect has been made in paragraph no. 9 of the
petition, which reads as follows :

“..... the petitioner is ready to keep her with full
honour and dignity.”

It is, further, submitted that earlier also two
complaint cases, i.e., Complaint Case Nos. 116 of 2013 and 849 of

2014, with similar allegation, have been filed, which ended in compromise.

Considering the present stand of the petitioner, above named, 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 Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ghorasahan P.S. Case No. 61 of 2016 to the satisfaction of the Subdivisional Judicial Magistrate, Sikarhna at Dhaka, East Champaran, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

Let the learned Court below issue notice to the informant and on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned Court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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