

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42360 of 2016

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Md. Mojahid, S/o Akram Quraishi, resident of village- Gauri, P.O.- Rajpur,
P.S.- Manpur, District- Sitamarhi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 379 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 petitioner admits his marriage with the complainant, though he has performed second marriage, but he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That the petitioner ready to

keep wife with full dignity love and care subject to conditions that she must live at his house.”

It appears from the impugned order that on specific query by the learned Sessions Judge, whether the petitioner will maintain the complainant, then he kept mum. It is further submitted that under certain descriptive response of the petitioner such fact has been recorded by the learned Sessions Judge. Petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the present stand of the petitioner as recorded above, in view of this Court, an effort should be made by the learned court below to get the issue mediated afresh, 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, Vaishali at Hajipur in connection with Complaint Case No. C-4027 of 2013, 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 complainant 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 within six months by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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