

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40203 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -BELA District- SITAMARHI

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Aslam Ansari S/o Bikau Ansari R/o Village - Naranga, P.S. - Bela, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Safina Khatoon W/o Aslam Ansari R/o Village - Naranga, P.S. - Bela, District - Sitamarhi. A/p - D/o Biltu Ansari, R/o Village - Mujauliya, P.S. - Sonbarsa, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 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 the learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of four children. The petitioner has filed Matrimonial suit no. 45 of 2015 for restitution of conjugal right and is ready to keep her as wife with full dignity and honour, statement to that effect

has been made in para 10 of the petition which reads as follows:-

“That... the petitioner is ready to keep the complainant as his wife at this home with full honour and dignity for which the petitioner has filed matrimonial case under Section 281 under Mohammedan Law for direction to the complainant to live with the petitioner.”

Though, the impugned order reflects that reconciliation failed due to indifferent attitude of the petitioner, paragraph no. 6 of the impugned order reads as follows:-

“The husband has denied such allegation. But from his conduct, it appears that petitioner is not serious to keep the complainant and the children.”

Considering the present stand of the petitioner, let the above named petitioner 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sitamarhi in connection with Bela P.S. Case No. 66 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance when the petitioner will take the informant to

her matrimonial house 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) if the matrimonial harmony is substantially restored (ii) if the informant failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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