

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45303 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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1. Md. Naushad son of Late Md. Rayeesh, Resident of Village- Maheshpur,
P.S. and District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Samina Khatoon, W/o Md. Naushad, Daughter of Md. Nuruddin,
Resident of Village- Pathara, South Tola Islampur Ward No. 1, P.S.- Pipra,
District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-10-2016 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 offence punishable under Sections 498A, 323, 504 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted 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 the aforesaid effect has been made in paragraph no. 9 of the petition which

reads as follows:

“That the petitioner namely Md. Naushad is the husband of informant and he is ready to keep his wife with all respect and love. ”

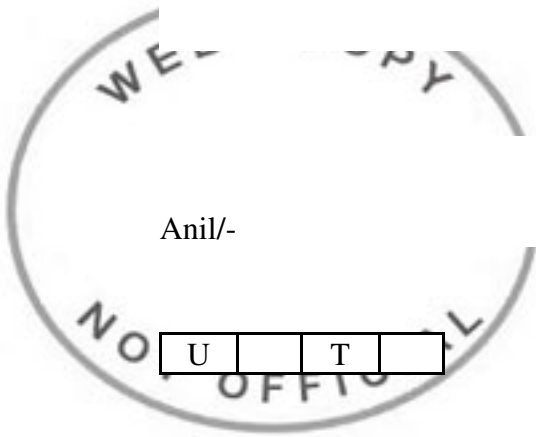
It is further submitted that similar was the stand of the petitioner before the learned court below.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, Supaul in connection with Supaul Mahila P.S. Case No. 70 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 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)