

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45373 of 2016

Arising Out of PS.Case No. -2738 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Kafil S/o - Md. Wasil Resident of Village : Bocha Bhagh, P.S. - Forbesganj, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Julshan Khatoon W/o Md. Kafil, D/o. Md. Multan resident of Village - Sonapur, P.S. Kursakanta, District - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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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 complainant is apprehending arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken under Sections 498A/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 instruction it is submitted that the petitioner admits his marriage with the complainant 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. 11 of the petition which reads as follows:

“ That the petitioner is always ready to keep his wife with full dignity and respect. ”

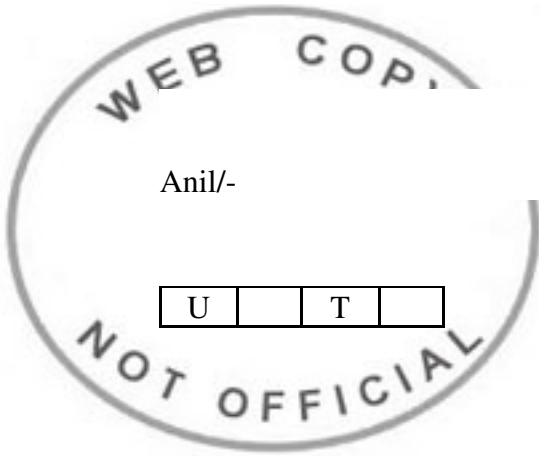
Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Araria in connection with Complaint Case No. 2738 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to



reconcile the issue.



(Dinesh Kumar Singh, J)