

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26495 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Arif Alam @ Md. Arif Hussain son of Md. Siddique Alam, resident of
Village- Kaliganj, Kathotia, P.S- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nashrin Khatoon wife of Md. Arif Alam @ Arif Hussain D/o Nazrul Haque, resident of village- Babhani, P.O.- Mahadeopur, P.S.- Prampur, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 08-09-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child. The petitioner is still ready to keep the complainant as wife with full dignity and honour at his place of employment. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That it is humbly stated and submitted that the petitioner is ready to keep the complainant wife with love, honour and dignity which she deserves. Hence considering the facts and circumstances petitioner deserves to be released on anticipatory bail.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Though, both the parties have inconsistent stand before the learned court below.

Both sides agree to appear before the learned court below on 19th of September, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Both sides also agree to file appropriate application with regard to the issue being reconciled in the present Complaint Case No. CA-6 of 2016 and Mansahi P.S. Case No. 20 of 2016 filed by the father of the petitioner against the family

members of the complainant and the learned court below will dispose of the applications in accordance with law in view of the present stand of the parties.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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, Katihar in connection with Complaint Case No. CA-6 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed 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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