

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25360 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. SHEIKH IRFAN son of Sheikh Kabul, null
2. SHEIKH KABUL son of Late Sheikh Rashid, Both residents of village-
Nautanwa, P.S- Shikarpur, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. ASHIYANA PRAVEEN wife of Sheikh Irfan, and daughter of Shoyaib
Alam, resident of Village- Ghorpakadi, P.S.- Inarwa, District- West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 22-06-2016 Heard learned counsel for the parties.

Petitioner No.1 being the husband of the informant and
petitioner no.2 being the father of petitioner no.1 are apprehending
their arrest in a case registered for the offence punishable under
sections 341, 323, 498A, 504/34 of the Indian Penal Code and 3/4
of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioners
that petitioner no.1 admits his marriage with the informant and is
ready to keep her with full dignity and honour. Petitioner no.1 has

also filed a matrimonial suit being Matrimonial Case No. 45/2016 for restitution of conjugal rights. To this effect statement has been made in paragraph 10 of the application.

Learned counsel for the informant submits that the informant is ready to live with petitioner no.1 if he will keep her with full dignity and honour.

Both the sides agree to appear before the learned court below on 18th July, 2016 when petitioner no.1 will take the informant to his matrimonial home to keep her as wife with full dignity and honour.

Considering the present stand of petitioner no.1 and the informant, let petitioner no.1, abovenamed, be released on provisional 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S. Case No. 47/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The provisional bail of petitioner no.1 will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the

informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

Considering the present stand of petitioner no.1, let petitioner no.2, abovenamed, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S.Case No. 47/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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