

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2074 of 2016

Arising Out of PS.Case No. -614 Year- 2013 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Aftab Ali Son of Late Abbas Ali, resident of 24/4, H.K. Chatterjee Street-
Dhusri, P.S.- Beloor, District- Howrah (W.B.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Subhan Khan, son of Samsher Khan, resident of village Naya Bhojpur
(West Mohalla) P.S. Dumraon, District- Buxar
3. Asiya Khatoon, daughter of Subhan Khan, resident of village Naya
Bhojpur (West Mohalla) P.S. Dumraon, District- Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. S.M.Rahman(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the daughter
of the complainant is apprehending his arrest in a complaint
case in which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

The basis accusation is of torture for non-

fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the daughter of the complainant and ready to keep the daughter of the complainant as wife with due dignity and honour. Statement to that effect has been made in para-7 of the petition which reads as follows:-

“That at the outset, it will be relevant to mention here that the petitioner is husband of opposite party no. 3 (Asiya Khatoon). He is ready to keep his wife with full honour and dignity with him.”

Notices were issued to the wife of the petitioner (Asiya Khatoon) vide order dated 14.01.2016. The office notes dated 11.05.2016 reflects that notices were personally served by opposite party no. 3.

None is appearing on behalf of opposite party no. 3.

In view of the above stand of the petitioner, let the above named petitioner be released on bail 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, Buxar in connection with Complaint Case No. 614C of 2013, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The present order, in no way, will preclude the daughter of the complainant to resume conjugal rights. If such application is filed by the daughter of he complainant before the learned court below, the petitioner will be obliged to comply the order of the learned court below.

(Dinesh Kumar Singh, J)

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