

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18755 of 2016

Arising Out of PS.Case No. -1040 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Md. Shamim @ Sheikh Shamim son of Sheikh Mustkim, resident of
village-Chandanbara, P.S.-Dhaka, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon, daughter of Sheikh Nazarul Haque, resident of
Village-Haruhani, P.S.-Dhaka, District-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-04-2016

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

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

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That, be that as it may, the

petitioner has no grievance against his wife, and he,

however, undertakes before the Hon'ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security”

Considering the present stand of the petitioner and the fact that complaint was filed in 2012, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. C-1040 of 2012.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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