

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19814 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -MAHILA PS District- DARBHANGA

- =====
1. Sharfe Alam
 2. Najre Alam, Both S/o Late Fateh Muhammad, Resident of Vill. - Chilha, P.s. - Baheri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sajra Khatoon, W/o Sarfe Alam, d/o Abdul Kalam, Resident of Village - Ram Nagar, P.S. - Nehra, District - Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. Reena Sinha (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2016

The petitioner No. 1 being husband of the informant and petitioner No. 2 being brother of petitioner No. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 323, 379, 354, 354(A), 498A, 34 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 and performing second marriage. It is alleged against petitioner No. 2 that he made an attempt to ravish the informant.

It is submitted by learned counsel for the petitioners that petitioner No. 1 admits his marriage with the informant and he has not performed second marriage. A statement to that effect has been made in para 8 of the petition.

The relevant portion of which reads as follows:-

“.....It is humbly submitted that petitioner no. 1 has never done second marriage”

It is further submitted that petitioner No. 1 is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner no. 1 reiterates that he is ready to keep informant as his wife with full dignity and honour.”

It is also submitted that malicious accusation has been levelled against petitioner No. 2 as there is no injury report on the record.

Considering the present stand of the petitioner No. 1, let the petitioner No.1, 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 one year on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 69 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner No. 1 will take the informant to her matrimonial

house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner No. 1 will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

Considering the present stand of petitioner No.1, let the petitioner No.2, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 69 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--