

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22943 of 2016

Arising Out of PS.Case No. -471 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Md. Ashik Eqbal S/o Md. Mahmud Alam, resident of Village Kashmiriganj,
Masjid Gali, P.S. Masaurhi, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sabina Khatoon, D/o Md. Shamshuddin, wife of Md. Aashik Ekbal,
Resident of Village- Hasanpur, P.S.- Belaganj, District- Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

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

ORAL ORDER

3 08-08-2016

Heard learned counsel for the parties.

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 dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant with two children with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:

"That it is stated that the petitioner is always ready to keep the complainant with due honour as wife."

It appears from the impugned order that similar stand was taken by the petitioner before the learned court below but when the complainant appeared with two children, the petitioner failed to appear before the learned court below. It is further submitted that at present the petitioner is ready to keep the complainant with full dignity and honour.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for six months, 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, Gaya in Complaint Case No. 471/2013 (T.R.No. 1918/2015), subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities: (i) if the

matrimonial harmony is substantially restored, (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Surendra/-

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