

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42805 of 2016

Arising Out of PS.Case No. -567 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Enamul Haque son of Late Md. Attiullah resident of Village- Pipra Wajid, Police Station- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samirun Nesa daughter of Md. Jikrullah resident of Village- Pipra Wajid, Police Station- Dhaka, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed with accusation under Sections 323,406,498A and 504/34 of the Indian Penal Code wherein processes were directed to be issued after cognizance being taken.

The basic accusation is of torture for non fulfillment of dowry demands. It is also alleged that attempt was made take the life of the complainant by causing burn injury but no injury was caused to the complainant.

On instruction it is submitted that the petitioner admits

his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no.6 of the petition which reads as follows:

“ That the petitioner is ready to keep the complainant with full dignity as wife.....”

It is further submitted that similar was the stand of the petitioner before the learned court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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 learned SDJM, Sikrahana at Dhaka, East Champaran in connection with Complaint Case No. C-567 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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