

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29808 of 2016

Arising Out of PS.Case No. -1638 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Kamrul Hoda @ Md. Kamrul Hoda, Son of Md. Norul Hoda

.... Petitioner/s

Versus

1. The State of Bihar.

2. Nikhat Parween, wife of Kamrul Hoda, D/o Dr. Ashfal Ahmed

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as follows:-

"That the petitioner is the husband of the informant

and is ready to keep and maintain the informant with all social prestige and dignity....."

It is further submitted that the petitioner has not performed second marriage. A statement to that effect has been made in paragraph 13 of the petition, which reads as under :-

"That the petitioner is very poor and he is leading loneliness life he undertakes that he has not married with any other lady."

The impugned order reflects that before the learned court below when the complainant appeared, the petitioner failed to appear.

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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Samastipur, in connection with CR Case No.1638/2014 (T.R. No.3207/2016), subject to the conditions as laid down under Section 438(2) 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 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)

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