

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29987 of 2016

Arising Out of PS.Case No. -235 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Arman Hasmi @ Md. Arman Hasmi Son of Late Khaleel Hasmi,
..... Petitioner/s

Versus

1. The State of Bihar.
2. Shabeena Khatoon, W/o Arman Hasmi D/o Abbas Hasmi,
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2016 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 Sections 120B, 323, 498A and 379 of the Indian Penal Code and 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 being husband of the complainant

is ready to keep his wife, with full dignity in the society."

It is further submitted that a statement has been made in paragraph 11 of the petition that non-bailable warrant has also been issued against the petitioner vide order dated 24.05.2016, which reads as follows :-

"That after rejection of A. bail of the petitioner a non-bailable warrant has also been issued against him on 24.05.2016."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 CJM, Jehanabad, in connection with Complaint Case No.235/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant 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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