

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31624 of 2016

Arising Out of PS.Case No. -183 Year- 2015 Thana -BASANTPUR District- SIWAN

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Rojaddin Mian, son of Jumma Mian, resident of village Kanhauli, P.S. Basantpur, District Siwan

.... Petitioner

Versus

1. The State of Bihar
2. Shabnam Khatoon, wife of Rojaddin Mian, resident of village Kanhauli, P.S. Basantpur, District Siwan at present village Jeepura, P.S. Panapur, District Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-07-2016

Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under section 498A, 323, 307, 354, 504, 506/34 of the Indian Penal Code.

Prosecution case is that the informant was married with the petitioner but immediately after the marriage torture was inflicted for non-fulfillment of dowry demands. Though a male child was born from the wedlock but the accused persons made assault to the informant brutally. They also threatened the informant and the informant at present is residing with her parents.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is

ready to keep the informant with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition. It is submitted that there is no medical report to suggest that any assault was caused to the informant.

Considering the present stand of the petitioner, let the abovenamed petitioner be released on provisional anticipatory bail for three 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, Siwan in Basantpur P.S. Case No. 183/2015, 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 informant for her appearance. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Surendra/-

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