

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32105 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

Kalimuddin @ Kailu son of Md. Saghir resident of Village Bansgarha,
P.S.- Korha, Distt- Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Shabnam Ara daughter of Md. Shamim Mansuri and wife of Kalimuddin
@ Kallu R/o Village Laxmipur Lohjar, P.S.- Phalka, Distt- Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Abhay Kumar - 1

For O.P.No.2 : Mr. Bimal Kumar, Adv.

=====

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

ORAL ORDER

2 09-08-2016

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 she gave birth to a child. The petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect

has been made in paragraph 13 of the petition, which reads as follows:

"That the petitioner is fully ready to keep and maintain the complainant and the child with responsibility and respect and he is ready to forget the past."

It is further submitted that similar stand was taken by the petitioner before the learned court below but the accusation was levelled that the petitioner performed second marriage. It is further submitted that the petitioner has not performed second marriage though statement to that effect has not been made in the petition.

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 S.D.J.M., Katihar in Complaint Case No. C.A.197/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Both the parties agree to appear before the learned court below on 29th August, 2016 when 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/-

U			
---	--	--	--