

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28767 of 2016

Arising Out of PS.Case No. -1687 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Md. Akabar @ Md. Akbar, son of late Salim Mian

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2016

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 498A, 323, 324, 307, 504/34 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, making assault and driving out the complainant from the matrimonial house.

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 11 of the petition which reads as follows:-

"That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon'ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security."

Learned counsel for the petitioner further submits that the non-bailable warrant of arrest has also been issued on 17.03.2016. A statement to that effect has been made in paragraph 5 of the petition, which reads as under :-

".... and accordingly they were summoned to stand trial, and Non-bailable Warrant was issued on 17.03.2016."

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 SDJM, Sadar, Motihari, East Champaran, in connection with Trial No.6072/2015 arising out of Complaint Case No.C 1687/2014, 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)

Ashwini/-

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