

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41039 of 2016

Arising Out of Complaint Case No. -723 Year- 2015 Thana -ROHTAS COMPLAINT CASE
District- SASARAM (ROHTAS)

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Mahboob Ansari Son of Basruddin Ansari

.... Petitioner/s

Versus

1. The State of Bihar
2. Rojidan Khatoon wife of Mahboob Ansari, D/o Md. Sarafat Hussain

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016

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/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 7 of the petition which reads as follows:-

"That the petitioner is ready to live with the complainant and keep her with full honour and dignity."

It appears from the impugned order that initially the petitioner was ready to keep the complainant as wife with full dignity and honour, but on appearance of the complainant, the petitioner declined to keep her in spite of the offer made by the complainant.

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, Birkmganj, Rohtas at Sasaram in connection with Complaint Case No.723/2015, 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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