

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46318 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -SONBERSA District- SITAMARHI

Md. Rahmat Ansari

.... Petitioner/s

Versus

1. State of Bihar
2. Sairan Khatoon

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 498A,379 and 323 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands of rupees fifty thousand and a motorcycle after eighteen years of marriage. It is further alleged that the petitioner drove the informant out of the matrimonial house and gave threatening to the informant to perform second marriage.

On instructions, it is submitted that the petitioner admits his marriage with the informant and birth of three

children and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no.9 of the petition which reads as follows:

“ That the petitioner is always ready to keep her with full respect and dignity which she deserves.”

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 six 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 learned CJM, Sitamarhi in connection with Sonbarsa P.S. Case No. 121 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and 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 or (ii) if the informant fails to appear before the learned court below or

(iii) if the informant deliberately gets reluctant to reconcile the issue.



Anil/-

(Dinesh Kumar Singh, J)

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