

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36765 of 2016

Arising Out of PS.Case No. -949 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Ziaul Haque Son of Najir Hussian resident of Village- Rautara, Haji
Tola, P.S. Rautara, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ismat Ara Khatoon Wife of Md. Ziaul Haque Daughter of Abdul Rauf at
present residing of Village Jiyagachhi, P.S. Muffasil, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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

2 26-09-2016 Petitioner being husband of the complainant is

apprehending his arrest in a complaint case wherein processes

were directed to be issued after cognizance being taken for the

offences punishable under Section 498A of the I.P.C and 4 of the

Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of

dowry demand.

It is submitted by learned counsel for the petitioner that

petitioner on instruction that petitioner admits his marriage with

the complainant and is ready to keep the complainant as wife with

full dignity and honour. A statement to that effect has been made

in Para 9 of the petition which reads as follows:-

“9. That, inspite of all the petitioner is still ready to keep the complainant with him with full honour and dignity as a duly wedded wife.”

It is further submitted that petitioner has filed matrimonial Case No. 271 of 2014 for restitution of conjugal life.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 18.10.2016 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released **on provisional anticipatory bail for six months** on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 949 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On

substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Prakash/-

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