

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43486 of 2016**

Arising Out of PS.Case No. -112 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

1. Md. Ali Azam Son of Md. Azad resident of Village- Chanchaura, P.S.-  
Chapra Muffasil, District- Saran at Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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

2 05-10-2016

Heard learned counsel for the petitioner and the  
State.

The petitioner being the husband of the  
informant is apprehending his arrest in a case registered  
for the offences punishable under Sections 323, 341, 379,  
498A of the Indian Penal Code and 3/4 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 admits his marriage with the  
informant and he is ready to keep the informant as wife  
with full dignity and honour. Statement to that effect has  
been made in para- 15 of the petition which reads as  
follows:-

“That from perusal of the impugned order itself it also gets reflected that the informant did not want to live with the petitioner when the petitioner is still ready to keep her if she lives peaceful.”

It is further submitted that similar was the stand of the petitioner before the learned court below which get reflected from the impugned order.

Though, the informant denies to have been persuaded by the petitioner to come to matrimonial house. The impugned order does not suggests that any effort was made by the learned court below to get the issue reconcile.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 112 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

**(Dinesh Kumar Singh, J)**

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