

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56519 of 2015

Arising Out of PS.Case No. -30347 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Md. Rahmat Ali @ Rahmat Ali @ Raju Son of Md. Noor Hasan@Jamun
Resident of Mohalla- Maulabagh, Naya tola, P.s Phulwarisharif, District
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akila Praveen wife of Md. Rahmat Ali@Rahmat Ali@Raju, daughter of
Md Islam presently resident of Mohalla- Amrudi Bagicha, Isapur Kirayedar,
Md. Quaiyum Ansari (Jhula wala Ghar) ,P.s Phulwarisharif, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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

ORAL ORDER

3 25-04-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

On instruction it is submitted by the learned counsel for the petitioner that the petitioner is ready to keep

the complainant as wife with full dignity and honour. Statement to that effect has been made in para-11 of the petition which reads as follows:-

“That petitioner is always ready and willing to live with complainant (O.P. No.-2). He is ready to resolve the entire dispute(s) with her to maintain matrimonial harmony.”

It is further submitted that at earlier point of time petitioner has filed Informatory Petition No. 775 of 2013 before the learned Chief Judicial Magistrate, Patna and a case was also filed before the Gram Kutchery Nausha Case No. 37 of 2014, wherein it was held that the complainant is not ready to resume the conjugal rights. The petitioner has not performed second marriage.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner. Recently, she learnt that petitioner has performed second marriage.

Both the petitioner and complainant appear before the learned court below on 9th of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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 Sub-Divisional Judicial Magistrate, Patna in connection with C.R. No. 30347C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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