

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44386 of 2016

Arising Out of PS.Case No. -217 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Nawajish Alam S/o Md. Ismail

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tabasum Jahan W/o Nawajish Alam

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr. Sri Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2016 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 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 informant and the accusation of demand of dowry after 17 years of marriage appears to be unreasonable. The crux of the dispute is that the informant wants to be residing at her parent's house for which the petitioner is not ready. The petitioner is still ready to keep the informant as wife with full dignity and honour in her

matrimonial house. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"That the petitioner is husband of the victim and he is ready to keep his wife if she ready to live in the house of the petitioner."

A statement has been made in paragraph no.10 of the petition that the petitioner has filed a matrimonial suit for restitution of conjugal life, but no specific details have been given in the petition.

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, Bhojpur at Ara, in connection with Bhojpur Mahila P.S. Case No.217/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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