

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43373 of 2016

Arising Out of Complaint Case No. -1181 Year- 2015 Thana -KATIHAR COMPLAINT CASE
District- KATIHAR

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Md. Ehsan @ Md. Ehsan Ali S/o Abdul Aziz

.... Petitioner/s

Versus

1. The State of Bihar

2. Sarina Khatoon @ Salina Khatoon wife of Md. Ehsan Ali, daughter of
Samed @ Bathu

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate

For the Opposite Party/s : Mr. Sri Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and /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 complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"That the petitioner father respectfully submits that even today the petitioner is willing to keep the complainant (opp-party-2) with all dignity and honour"

It is further submitted that at earlier point of time on 18.03.2013 the petitioner filed Matrimonial Suit No.122A/2015 under section 281 of the Mohamdan Law for restitution of conjugal life and thereafter the present complaint was filed on 18.05.2015.

It appears from the impugned order that before the learned Court below the petitioner was ready to keep the complainant as wife with full dignity and honour, but on her appearance the petitioner changed his stand. It is a usual phenomenon.

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, Katihar, in connection with Complaint Case No.1181/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant 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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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