

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44441 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -NIMCHAKBATHANI District- GAYA

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Md. Shamim, Son of Sahabul Mian, Resident of village – Sarem, P.S.
Neemchak Bathani, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arzoo Tammana, Wife of Md. Samim, Resident of Village – Saren, P.S.
– Neemchak Bathani, District – Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakib Ayaz

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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

02/ 06-10-2016

Heard learned counsels 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 147, 148, 149, 504, 506, 323, 324, 498A, 435, 427, 379 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the petitioner was married to the informant when subsequent to marriage torture was inflicted for non-fulfillment of the dowry demand the petitioner and others assaulted the informant and petitioner lit fire to the Dupatta of the informant.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant. There is nothing on record to suggest any injury was caused to the informant and petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That it is humbly stated and submitted here that petitioner is ready to keep her wife/O.P. No. 2 with honour and dignity and also maintain her.”

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, Gaya in connection with Neemchak Bathani P.S. Case No. 93 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 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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