

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13827 of 2016**

Arising Out of PS.Case No. -4079 Year- 2012 Thana -SARAN COMPLAINT CASE District-  
SARAN

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1. ABJAL KHAN @ APHJAL @ AFJAL KHAN S/o Late Niv Ahmed  
resident of Village- Dahiwan Dargah P.S. Chapra Town Distt- Saran at  
Chapra. .... Petitioner/s

Versus

1. The State of Bihar.  
2. Noor nama Khatoon W/ Abjal Khan, D/o Navibullah Khan resident of  
Mohalla Dahiwan Dargah PS. Chapra Town distt- Saran at Chapra.  
.... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Uma Shanker Pd. Singh (APP)

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

**ORAL ORDER**

2      29-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest  
in a complaint case in which processes were directed to be issued  
after cognizance being taken under Section 379, 323, 498A of the  
Indian Penal Code and under Section 34 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of  
dowry demands.

The petitioner admits marriage with the complainant.  
On instructions, it is submitted that the petitioner is ready to keep  
the complainant as wife with full dignity and honour. Statement to  
the aforesaid effect has been made in paragraph no. 9 of the  
petition which reads as follows:

*“9. That the petitioner always ready to keep the*

*complainant with honour and dignity.”*

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saran at Chapra in connection with Complaint Case No. 4079 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

BKS/-

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