

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16353 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -SURSAND District- SITAMARHI

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Md. Sarfaraz @ Gulzar Alam s/o Late Md. Masum resident of village
Shankarpur Tola Bantara, P.s. Sursand, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Nikhrat Pravin W/o Md. Sarfaraz @ Gulzar Alam, D/o Md. Mokim at
present residing in village Betha, P.S. Bela, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 18-08-2016

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 341, 323, 313, 498A/34 of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of dowry demand and getting the pregnancy
terminated.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and birth of four children. The petitioner has filed

Matrimonial Suit No. 02 of 2015 with a prayer for divorce but he is ready to withdraw the same, though, statement to that effect has not been made in the petition. At present the petitioner is ready to keep the informant and children with dignity and honour, though, statement to that effect has not been made in the petition.

The petitioner and the informant are present in the Court.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 29th of August, 2016 when the petitioner will take the informant and the children to keep them with dignity and honour.

Considering the present stand of the parties, 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 Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 12 of 2015, 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 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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