

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4512 of 2016

Arising Out of PS.Case No. -312 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Md. Alisher son of Md. Shamim Ansari, resident of village- Darmi
Patralay Belchampa, P.S. and District- Godawa (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Shama Praveen W/o Md. Alisher resident of village- Darmi Patralay
Belchampa, P.S. and District- Godawa (Jharkhand). At present Vill.-
Jogiya, P.s. Barun, Distt. Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 28-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

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

Learned counsel for the petitioner admits his marriage with the complainant in 2010. Earlier also, the complainant filed complaint case which ended into compromise. The informant has

also filed Maintenance Case No. 44 of 2014 after filing of the present complaint and the complainant gave birth to a female child also. Still, 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. 7 of the petition which reads as follows:

“That petitioner is husband and ready to keep his wife with all respect. ”

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 ACJM, Aurangabad in connection with Complaint Case No. 312 of 2014 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)

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