

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9480 of 2016

Arising Out of PS.Case No. -743 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Bartullah Hasmi @ Md. Bartullah Hasmi @ Baraktullah Hasmi son of Md. Slauddin Hasmi, resident of Mohalla-Rani Sagar, near Kasai Mohalla, P.S.-Shahpur, District-Bhojpur, Ara

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Khatoon, wife of Bartulla Hasmi @ Md. Bartulla Hasmi, daughter of Manir Hasmi, resident of Village-Kukudha, P.S.-Itadhi, District-Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready

to keep the opposite party no. 2 with full dignity”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 743(C) of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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