

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11353 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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Annu Khan son of Laddan Khan Resident of Village - Derhgaon, P.S. -
Dawath, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Fiza Khatoon wife of Annu Khan and Daughter of Sheikh Said Resident
of Village - Babhanaul, P.S. - Dawath, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is the husband of the informant

(victim) and he is ready to keep his wife and daughter with him with full honour and dignity.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the informant refused to accept the offer of the petitioner since she was apprehended due to threat to her life at the hands of the petitioner which also gets reflected from the impugned order which reads as follows:-

“The informant turning up before the court in person has refused to live with the petitioner venting threat to her life at the hand of the petitioner”.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six month 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 50 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance and make effort to reconcile the issue afresh.

The provisional bail of the petitioner will be confirmed

by learned court below if the issue is reconciled or if the informant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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