

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20212 of 2016

Arising Out of PS.Case No. -700 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

=====

Md. Murshid Alam Son of Md. Kumladdin Resident of Village- Gamharia,
PS Bhargama, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Gulesha Khatoon D/o Md. Islam Resident of Village- Fulkaha, PS
Jadia, District Supaul.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 17-05-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

The impugned order reflects that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner since only summons were issued but the supplementary

affidavit has been filed to the effect that non-bailable warrant has been issued, statement to that effect has been made in paragraph 2 of the supplementary affidavit, which reads as follows:-

“That, it is stated and submitted that the cognizance has been taken under Section 498A of the Indian Penal Code and 4 D.P. Act by the learned court below on 01.02.2016 and non-bailable warrant has been issued against the petitioner.”

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant/informant as wife with full dignity and honour, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That, the petitioner has never refused to discharge his liabilities of maintenance of the complainant and her child baby from her and he is still ready to keep her with full 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 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, Supaul in connection with

Complaint Case No. 700C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--