

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20354 of 2016

Arising Out of PS.Case No. -1291 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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1. Naushad Alam S/o Safiq Alam @ Bitto resident of village -
Bharatkhand, P.S. Parbatta, District – Khagaria Petitioner/s
Versus

1. The State of Bihar

2. Samina Khatoon Wife of Naushad Alam, daughter of Amila Khan
resident of village - Temtha (Karari), P.S. Parbatta, District - Khagaria
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. P.K.Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 11-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Section 498A of the Indian
Penal Code and under Section 34 of Dowry Prohibition Act.

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

The petitioner admits marriage with the complainant.
On instructions, it is submitted that 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. 11 of the
petition which reads as follows:

*“11. That the petitioner is still ready to keep his
wife with full dignity and honour without any condition.”*

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months 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 SDJM, Khagaria in connection with Complaint Case No. 1291 C of 2013 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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