

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34340 of 2016

Arising Out of PS.Case No. -2038 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Ansarul Haque son of Mansur Alam, Resident of Village- Bogla
Rahika P.S Kadwa, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mirija Khatoon, Wife of Md. Ansarul Haque, D/o Late Md. Sakruddin,
Resident of Village- Shishiya, P.S. Kadwa, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir
For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Section 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.

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

as follows:-

“That it is stated that the petitioner is always ready to keep his wife/complainant with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order. The petitioner has also filed Matrimonial Suit No. 1220 of 2014 for restoration of conjugal life.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar in connection with C.A. Case No. 2038 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 for her appearance when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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