

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47109 of 2016

Arising Out of PS.Case No. -536 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Saddam Hussain @ Md. Saddam

.... Petitioner/s

Versus

1. State of Bihar
2. Badenoor Khatoon

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-10-2016 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

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

The petitioner admits his marriage with the complainant and birth of male child. The real dispute is that the complainant wants that the petitioner should live at her parents house and on protest being made for such a request, the petitioner

was assaulted leading to filing of Complaint case No.604 of 2016.

On instructions, it is submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 9 of the petition which reads as follows:

“That it is stated and submitted here that the petitioner is ready to keep the complainant/wife with full love, honour and dignity if she is ready to reside with the petitioner at his home at Bharat Coal.”

It is further submitted that similar was the stand of the petitioner before the learned court below.

Learned counsel for the complainant submits that the complainant is ready to live with the petitioner at the place of his employment. Both petitioner and the complainant agree to appear before the learned court below on 21.11.2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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, Katihar in connection with Complaint Case No. 536 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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)

Anil/-

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