

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34551 of 2016

Arising Out of PS.Case No. -2356 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

1. Md. Hasib, son of Md. Mojnabi Mian, Resident of village- Jhikatia,
Police Station- Cherki, District- Gaya Petitioner

Versus

1. The State of Bihar

2. Farzana Khatoon, wife of Md. Hasib and Daughter of Md. Sarfuddin,
Resident of village- Chakand Tola, Piru Bigha P.S. Chandautei, Distt. Gaya
.... Opposite Parties

Appearance :

For the Petitioner : Mr. Shailesh Kumar, Adv.

For the Opposite Parties : Mr. Dr.Mrityunjaya Kr.Gautam, APP 208

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

ORAL ORDER

2 16-08-2016

Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail. The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case registered 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 dowry demands.

On instruction, it is submitted that the petitioner admits his marriage with the complainant and is 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 submitted that the petitioner is husband of the complainant and is always ready to keep the complainant with all respects as a wife but due to her rigid and dry attitude, the complainant avoid the petitioner and his parents which is evident that whenever the learned Session's Judge tried to settle the dispute by noticing the complainant but the

reconciliation failed due to rigid behaviour of the complainant which shows the innocence of the petitioner.

The cognizance has been taken by order, dated 01.12.2015, by the learned Subdivisional Judicial Magistrate, Gaya.

Considering the present stand of the petitioner, above named, be released on **provisional anticipatory bail for six months** in the event or arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 2356 of 2013 to the satisfaction of the Chief Judicial Magistrate, Gaya.

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 anticipatory 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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