

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21553 of 2016

Arising Out of PS.Case No. -49 Year- 2015 Thana -MAHILA PS District- JAMUI

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Md. Sohrab Sheikh, son of Islam Sheikh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That, the petitioner is ready to keep her (complainant/petitioner) as a legally wedded wife with full

dignity and honour."

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned court below. The impugned order reflects that in pursuance to the notices the informant was present in the Court but the petitioner deliberately chosen not to appear. Though, the informant stated that since the petitioner performed second marriage, hence, she is not ready to live with him.

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jamui, in connection with Jamui Mahila P.S. Case No.49/2015 (arising out of Complaint Case No.1589C/2014), subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed

by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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