

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53533 of 2015

Arising Out of PS.Case No. -264 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Wasim Ali @ Basim Ali @ Washim Razzak son of Gul Mohammad,
resident of village- Basuka, P.S.- Gahmar, District- Ghazipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabra Begum, Wife of Wasim Ali @ Basim Alia @ Washim Razzak,
resident of village- Basuka, P.S.- Gahmar, District- Ghazipur. At present
address- Daughter of Babar Ali, resident of village- Palka, P.S.- Bhabua,
District- Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

In pursuance of the order dated 24.11.2015 the petitioner and complainant are present in the Court.



On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and complainant gave birth of two female children. The petitioner is ready to keep the complainant with two children as wife with full dignity and honour. Statement to that effect has been made in para-11 of the petition which reads as follows:-

“That, it is humbly submitted and categorically stated that the petitioner assert he is still ready to keep to the complainant with full love and dignity.”

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner, but she is apprehensive due to past conduct of the petitioner.

Both the petitioner and complainant undertakes to appear before the learned court below on 25th of January, 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Complaint

Case No. 264 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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