

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21117 of 2016

Arising Out of PS.Case No. -142 Year- 2013 Thana -RANIGANJ District- ARRARIA

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1. Sarikul Islam @ Md. Sarikul Islam, son of Md. Yusuf, Resident of village- Mahashaili, Gidwas, P.S.- Raniganj, Dist- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon, wife of Sarikul Islam, resident of village Mahsaili, Gidhwas (Kujra Tola), P.S. Raniganj, Dist- Araria At Present:- Shabana Khatoon, wife of Md. Ansarul, resident of village Naya Bhargama, P.S. Bhargama, Dist Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. M.K. Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-10-2016

None appears for the informant/O.P. No. 2.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 379, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but the informant has performed second marriage with one Md. Ansarul. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That, it is humble and respectfully submitted that the present case has been lodged by the informant is just because of poverty and low earning of the petitioner. The informant who is high ambitious lady and she solemnized second marriage with one Md. Ansarul, son of Domi @ Anwarul, resident of Village-New Bhargama, Police Station-Bhargama, District-Araria.”

It is further submitted that petitioner is still ready to keep the informant with dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That, the petitioner, who belongs from a respectable family and have a good image and reputation in said society and in spite of all these happening the petitioner is still ready to keep the informant with all honour, dignity, love and affection.”

The notices were issued to the informant/O.P. No. 2 vide order dated 12.05.2016. In view of the office note dated 08.09.2016 to the effect that ordinary process of notice was effected through house service since informant/O.P. No. 2 was found out of station and O.P. No. 2 refused to receive the registered cover notice, the notices issued to the informant/O.P. No. 2 was directed to be deemed validly served vide order dated 15.09.2016. Today also none is

appearing on behalf of the informant/O.P. No. 2.

Considering the facts discussed above and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 142 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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