

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27149 of 2016

Arising Out of PS.Case No. -2237 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Umar son of Md. Mukhtar Alam, Resident of village- Juwakhar, Police
Station- Shahkund, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Bibi Saleha Khatoon @ Saleha daughter of Hafiz Abdul Kalam, wife of
Md. Umar, Resident of village- Juwakhar, Police Station- Shahkund,
District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 30-06-2016 Heard learned counsels for the petitioner and the

State.

Petitioner being the husband of the complainant is

apprehending arrest in a complaint case wherein process has been

directed to be issued after cognizance being taken for the offences

punishable under Sections 498A of the Indian Penal Code and

Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of

dowry demand.

It is submitted by learned counsel for the petitioner

that the petitioner admits his marriage with the informant and is ready to keep the informant with full dignity and honour. A statement to this effect has been made in Para-11 of the petition, which reads as follows:-

“That the petitioner is husband and ready to keep his wife with full dignity and quite peacefully and after cognizance the process has been issued against the petitioner.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event 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 Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 2237 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant 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 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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