

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39244 of 2015

Complaint Case No. -694 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

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Md. Firoj Alam son of Md. Mansoor Ali @ Mansoor Ali

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarka Begum daughter of Choudhary Md. Hasin

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate

For the Opposite Party/s : Mr. Shaukat Alam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 03-03-2016

Heard learned counsels for the petitioner and the State.

The 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.

Basic accusation is of torture for non-fulfillment of dowry demand.

Initially, the petitioner claimed to have divorced the complainant, through telephonic message, as per the 'Muslim' rites but the said fact is being controverted by learned counsel appearing for the complainant.

Subsequently, a supplementary affidavit has been filed on behalf of the petitioner to the effect that the petitioner is

ready to keep the complainant as wife with full dignity and honour. Para 3 of the supplementary affidavit reads as follows:-

"That although the petitioner had divorced the Opposite Party no.2 through telephonic message but she has been disputing the factum of divorce. Hence I had offered to keep her with me with full dignity and honour...."

On instruction, learned counsel for the complainant submits that the complainant accepts the offer of 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 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 Complaint Case No.694C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 11th March, 2016 when 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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