

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33180 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -PARSA District- SARAN

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1. Sarajuddin Son of Ishahak Miyan.
 2. Fatma Nisha wife of Sarajddin. Both resident of Village Sri Rampur, P.S. Parsa, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon W/o Sarajuddin D/o Kamuddin Miya R/o Saguni Sri Rampur, P.S. – Parsa, District – Saran at Chapra, presently residing at Korai, P.S. – Dariyapur, District – Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 22-11-2016

Heard learned counsels for the petitioners, State and the informant-opposite party no.2.

The petitioner no. 1 being the husband of the informant and petitioner no. 2 being the second wife of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 323, 498A, 494, 379/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioners that petitioner no. 1 admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That it is humbly stated by the petitioner no.1 that he is ready to keep the informant with dignity and honour and with full respect if she desires to live with him.”

It is further submitted that the second marriage is permissible under the Muslim Law.

Counsel for the informant submits that the informant is ready to accept the offer of petitioner no. 1 but she is apprehensive due to the past conduct of petitioner no. 1.

Both petitioner no. 1 and the informant agree to appear before the learned court below on 29th of November when petitioner no. 1 will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of petitioner no. 1 and the informant, let the above named petitioner no.1 be released on provisional anticipatory bail for six months 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 Judicial Magistrate, Ist Class, Saran at Chapra in connection with Parsa P.S. Case No. 03 of 2016, 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 the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

It is submitted on behalf of petitioner no. 2 that petitioner no. 2 was not aware about the first marriage of petitioner no. 1 with the informant and thrust of accusation is against petitioner no. 1.

Considering the thrust of accusation against petitioner no. 1 and the present stand of petitioner no. 1 and the informant, let the above named petitioner no.2 be released on anticipatory bail, in the event of her 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

Judicial Magistrate, Ist Class, Saran at Chapra in connection with
Parsa P.S. Case No. 03 of 2016, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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