

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.382 of 2016

Arising Out of PS.Case No. -3313 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Md. Mustakim Son of Kamal resident of village - Mankol, Police Station
Sri Nagar, in the district of Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ansari Khatoon W/o Md. Mustakim and D/o Md. Kasim Resident of
village - Jhunni Istambarar, Police Station - K. Nagar in the district of
Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv
For the Opposite Party/s : Mr. Md. Nazir Ansari(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 05-01-2016 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 406, 498A/34 of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and is ready to
keep the complainant as wife with full dignity and honour. A

statement to that effect has been made in para 14 of the petition which reads as follows:-

“That it is humbly submitted that petitioner is always ready to keep the O.P. No. 2 as his wife with full love and affection and maintain her.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM., Purnea in connection with Complaint Case No. 3313 of 2014 , subject to the conditions as laid down under Section 438(2) 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

Ranjan/-

U			
---	--	--	--

