IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1245 of 2017

Arising Out of PS.Case No. -804 Year- 2015 Thana -KATIHAR COMPLAINT CASE District- KATIHAR

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Md. Daud Ali s/o Abdul Rashid, r/v – Hazipur, P.S.-Katihar (Muffasil), Distt - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Tara Bano, w/o Md. Daud Ali, d/o – Md. Wazir Alam r/v – Chilmara, P.S. – Katihar (Mufassil), Distt - Katihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner, learned A.P.P and learned counsel for the informant.

The petitioner apprehends his arrest in Complaint Case No. 804/2015, registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The wife of the petitioner made allegation of demand of dowry and torture. She further alleged in the complaint petition that petitioner has already solemnized second marriage.

Learned counsel for the petitioner submits that the petitioner has not solemnized second marriage. Petitioner filed a petition for restitution of conjugal rights. Thereafter his wife filed this petition. Petitioner is ready to keep his wife with all honour and dignity.

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On such learned counsel for the complainant submits that the complainant is also willing to live with his husband, if her husband provides her honour and dignity.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on provisional bail for six months on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 804/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

Thereafter, the court below shall make all efforts for resolution of the dispute between husband and wife, If the husband (petitioner) keeps his wife properly, learned court below shall confirm the provisional bail granted to the petitioner. If the petitioner does not keep his wife properly, learned court below shall pass order in accordance with the law, immediately after lapse of six months on provisional bail.

(Prabhat Kumar Jha, J.)

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