

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38826 of 2016

Arising Out of PS.Case No. -1367 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Md. Zubair Alam @ Md. Zubair Son of Late Taslim Resident of village -
Paichaili, Police Station Palasi, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sajrin daughter of Tajamul Resident of village - Paichaili, Police
Station Palasi, District - Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Smt. Meena Singh

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

04/ 16-02-2017

Heard learned counsels for the petitioner, State
and the complainant-opposite party no.2.

The petitioner being the husband of the
complainant is apprehending his 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 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant having no issue and is ready to keep the informant as



wife with full dignity and honour, though, statement to that effect has not been made in the petition. It is further submitted that the petitioner that the complainant got the pregnancy terminated without the consent of the petitioner as a result petitioner filed Complaint Case No. 2122C of 2015 with accusation under Sections 380, 313, 315, 120B and 201/34 of the Indian Penal Code which was ultimately registered as police case after being transferred under Section 156(3) of the Cr.P.C.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner for resuming conjugal life.

Both sides agree to appear before the learned court below on 28th of February, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner 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 Sub-divisional Judicial Magistrate, Araria in connection with



Complaint Case No. 1367-C of 2015, 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 complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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