

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37689 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -MAHILA PS District- KATIHAR

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Md. Alamgir son of Md. Israfil resident of village - Hathiya Diyara, P.S. Katihar (Muffasil), District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mastara Khatoon wife of Md. Alamgir, daughter of Md. Umar Ali resident of village - Hathiya Diyara, P.S. Katihar (Muffasil), District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 16-02-2017

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

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 379, 506/34 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.

The petitioner and the informant are present in



the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child. The petitioner is still ready to keep the informant as wife with full dignity and honour, though, the petitioner has performed second marriage. Statement to that effect has been made in paragraph no. 13 of the petition, which reads as follows:-

“That the petitioner always ready to keep the informant with full honour and dignity but the informant herself did not want to resume the matrimonial harmony with the petitioner.”

It is further submitted by learned counsel for the petitioner that earlier also the informant filed Katihar (Muffasil) P.S. Case No. 122 of 2014 on 06.11.2014 under Sections 323, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act wherein charge sheet was submitted in which the petitioner has been granted bail, though, statement to that effect has not been made in the petition. It is further submitted that during Maintenance Case No. 50 of 2015 the issue was reconciled when the informant went to the matrimonial house in pursuance to the order dated 19.01.2016 passed in Maintenance Case No. 50 of 2015. The next date fixed for 04.02.2016 when both sides



appeared and thereafter the next date was fixed for 05.03.2016 , but, in the meantime, the informant left the house of the petitioner.

However, it is submitted by learned counsel for the informant that in spite of the fact that the petitioner has performed second marriage the informant is ready to accept the offer of the petitioner for resuming conjugal life.

Both sides agree to appear before the learned court below on 27th of February, 2017 when the petitioner will take the informant 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, Katihar in connection with Katihar Mahila P.S. Case No. 52 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.

(Dinesh Kumar Singh, J)

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