

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47467 of 2016

Arising Out of PS.Case No. -471 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

=====

Md. Chand Son of Md. Rahman Resident of Village-Madhopur, P.S.-
Maniyari, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Najya Khatoon Wife of Md. Chand, Presently residing at Village- Bela
Chhapra, P.S. - Bela, District-Muzaffarpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Sri Dashrath Mehta

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03// 09-02-2017

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 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 and birth of a child. The order dated 28.10.2016 reflects that it was submitted on behalf of the petitioner that the petitioner gave Talaq to the complainant on 11.12.2013 and affidavit (Annexure-2) was executed in pursuance to that, moreover, the petitioner filed Matrimonial Suit No. 63 of 2014 on 11.02.2014 for confirmation of Talaq, thereafter the present complaint was filed on 20.02.2014. Learned counsel for the petitioner today submits that he is not pressing the claim of Talaq and the petitioner is ready to keep the complainant as wife with full dignity and honour, though, statement to that effect has not been made in the petitioner. It is further submitted that the petitioner is ready to take the complainant from the Court itself, though the child is resides with the petitioner.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and is ready to go with the petitioner from the Court itself.

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



SDJM East, Muzaffarpur in connection with Complaint Case No. 471 of 2014, 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.

The bail bond of the petitioner will be accepted by the learned court below on filing separate affidavit with regard to the present stand of the parties.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

