

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38452 of 2017

Arising Out of PS.Case No. -1107 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Istekbal Ahmad, Son of Eqbal Ahmad, Resident of Mohalla- Swetnagar,
Jail Payeen Road, Police Station- Buxar (Town), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rehana Khatoon, daughter of Shabuddin Ansari, Resident of Village-
Itadhi Near Government Hospital, Police Station- Itadhi, District-
Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Adv.

For the Opposite Party/s : Sri Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 19-08-2017 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 Section 498A 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 the petitioner is ready to keep the complainant as wife with full



dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is always ready to keep her wife with full honour and dignity as per his means.”

It is further submitted that similar was the stand of the petitioner before the learned Court below, which gets reflected from the impugned order, but the impugned order further suggests that the complainant was ready to resume the conjugal life if the petitioner deserts his parents.

Prima facie, the stand of the complainant appears to be unreasonable. However, this Court is inclined to give one more opportunity to the complainant to resume the conjugal life.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months 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, Buxar, in connection with Complaint Case No. 1107C of 2015, subject to the conditions as laid down under Section 438(2) of the 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 issue is reconciled between the parties, or (ii) if the complainant gets reluctant to resume the conjugal life with the petitioner if he insists for residing with his parents, or (iii) if the complainant fails to appear before the learned Court below.

(Dinesh Kumar Singh, J)

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