

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28560 of 2016

Arising Out of PS.Case No. -140 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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1. Md. Jamshed Alam Son of Md. Jalil Resident of Chhotki Bhaluahi, P.S.
Chiraiya (Sikarganj), District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 02-02-2017

Heard learned counsels for the petitioner,

informant and the State.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 324, 498A, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a male child but the petitioner has filed Matrimonial Suit No. 79 of 2016 with a prayer for dissolution of



marriage. The petitioner has also filed Complaint Case No. 89 of 2016 against the informant with accusation under Sections 328 and 380 of the Indian Penal Code.

Though initially the petitioner was not ready to resume the conjugal life and a statement to that effect was made in para 12 of the petition, but, it is submitted by learned counsel for the petitioner that now petitioner is ready to keep the informant as wife with full dignity and honour. The petitioner is also ready to withdraw/compromise Matrimonial Suit No. 79 of 2016 as well as Complaint Case No. 89 of 2016 though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the informant that informant is also ready to accept the offer of the petitioner for resumption of conjugal life.

The petitioner agrees to take the informant to the matrimonial house from the Court itself which is being accepted by the informant.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory 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 learned Chief Judicial Magistrate, Sitamarhi in connection with



Runnisaidpur P.S. Case No. 140 of 2016.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months or (ii) If the informant fails to appear before learned Court below or (iii) If the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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