

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47067 of 2016**

Arising Out of PS.Case No. -266 Year- 2014 Thana -SURSAND District- SITAMARHI

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1. Md. Abrar s/o Md. Mustafa resident of Village - Parsa, P.S. - Sursand,  
District - Sitamarhi

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Rubi Khatoon w/o Md. Abrar At present residing at Village - Khudi  
Bakhari, P.S. - Bela, District - Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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

5      07-04-2017                      Heard learned counsels for the petitioner, informant and  
the State.

The petitioner being the husband of the informant is apprehending arrest in case registered for the offences punishable under Sections 498A, 120B and 379 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand, making assault and performing second marriage.

It is submitted by learned counsel for the petitioner that though the FIR has not been registered under section 494 of the Indian Penal Code, but the petitioner accepts the factum of second marriage and he is ready to keep the informant as wife with full



dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition, which reads as under :-

*"That although in the compelling circumstances the petitioner has solemnized 2<sup>nd</sup> marriage but in spite of that he is ready to keep the informant with all respect and dignity or settle the disputes with her."*

It is further submitted that similar was the stand of the petitioner before the learned Court below.

Mr. Sanjay Kumar learned counsel for the informant submits that in spite of the fact that the petitioner has performed second marriage, the informant is still ready to accept the offer of the petitioner.

It is further submitted by learned counsel for the petitioner that the petitioner undertakes to bring back the informant to his house from her village within a period of one week.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



SDJM, Pupri at Sitamarhi, in connection with Sursand P.S. Case No.266/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on filing of joint compromise petition between the parties before the learned Court below.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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