

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38705 of 2016

Arising Out of PS.Case No. -3088 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Abdul Kalam @ Abul Kalam son of Abdul Samed @ Md. Samad resident
of village - Mabaiya, P.O. - Bishanpur, P.S. - Korha, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Afsana Khatoon wife of Abdul Kalam @ Abul Kalam, D/o Md. Ishaque
resident of village - Betancho, P.S. - Korha, District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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

ORAL ORDER

05/ 07-02-2017

Heard learned counsels for the petitioner, State
and 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 3/4 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. It is further submitted that the petitioner and is ready to keep the complainant as wife with full dignity and honour and is also ready to take the complainant from the Court itself. Statement to that effect has been made in paragraph 3 of the supplementary affidavit, which reads as follows:-

“That the petitioner has finally decided and is ready to keep the complainant as his wife with full honour and dignity. He is ready to take the complainant namely Afsana Khatoon to his house straight way from this Hon’ble Court and will take her care and fulfill all her necessary requirements.”

It is further submitted that the petitioner that the petitioner should file appropriate application in Maintenance Case No. 1149 of 2014 and Complainant Case No. 3088 of 2014 that the issue has been reconciled and for their earlier disposal.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is a bit apprehensive due to the past conduct of the parties.

In the circumstances, 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 Complaint Case No. 3088 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.

(Dinesh Kumar Singh, J)

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