

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39745 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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Md. Sabir @ Sabir, Son of Sahid Miyan, Resident of village – Harpur Pipra,
P.S. Gaunaha, District – West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hazara Khatoon, W/o Md. Sabir Alam, D/o Samsul Haque Rahmani,
R/o Mohalla – Purani Bazar, Ward No. 3, Shikarpur, P.S. Shikarpur,
District – West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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

ORAL ORDER

04/ 09-02-2017

Heard learned counsels for the petitioner, State
and the opposite party no.2.

The petitioner being the husband of the daughter
of the informant is apprehending his arrest in a case registered for
the offences punishable under Sections 498A, 323, 365 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 and taking away the minor child
of the daughter of the informant by the father of the petitioner.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the daughter
of the informant and birth of three children. It is further submitted



that the petitioner is ready to keep the daughter of the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That petitioner was always ready to keep his wife and children but it was his wife who at the instance of her father not ready to live as it appears from the impugned order also and undertake before this Hon’ble Court also to keep her with full dignity and honour if she is ready to live peacefully without any interference on behalf of her father.”

Counsel for the informant submits that the daughter of the informant is ready to accept the offer of the petitioner but she is a bit reluctant due to the past conduct of the petitioner.

However, it is submitted by learned counsel for the petitioner that the matrimonial harmony got disturbed when the informant started interrupting in the matrimonial life of the petitioner and the daughter of the informant. The petitioner is ready to take the daughter of the informant from the Court itself.

Counsel for the informant submits that the daughter of the informant has no objection in going to the matrimonial house along with the children 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 Sub-divisional Judicial Magistrate, West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 20 of 2016, 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 daughter of the informant gets reluctant to reconcile the issue; and (iii) or if the daughter of the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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