

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12905 of 2017

Arising Out of PS.Case No. -944 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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Arif @ Ricky @ Md. Arif, S/o Md. Abul Hasan Khan @ Md. Abul Khan,
Resident of Village- Pachbhinda, P.S.- Taraiya, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar.
2. Subuhi @ Hafiza Khatoon, wife of Arif @ Ricky @ Md. Arif, Daughter of Kazi Nehaludin, at present resident of Mohalla- Dahiyawan, Mahmud Chowk (Mubarak Gali), P.S.- Chapra Town, District- Saran at Chapra.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-08-2017 Heard learned counsels for the petitioner, complainant 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.

The prosecution case, as per the complaint petition, is that the petitioner got married with the complainant on 08.01.2008, but subsequently, there was further dowry demand of Nano vehicle and for non-fulfillment of the same, torture was inflicted.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. The petitioner is still ready to keep the complainant and the children with full dignity and honour. Statement to that effect has been made in paragraph no. 12 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity and regard as wife.”

It appears that the matter was referred to the Mediation and Conciliation Centre of the Patna High Court, vide order dated 10.05.2017. The report of the mediator dated 27.07.2017, kept at flag-‘G’, suggests that though the mediation failed, but the stand of the petitioner before the mediator was that he is ready to keep the complainant alongwith the children with full dignity. The petitioner stands by the same stand even today.

Learned counsel for the complainant submits that though, the complainant is ready to accept the offer of the petitioner, but the petitioner did not even approach the complainant for resumption of conjugal life.

It is jointly submitted that both sides agree to appear before the learned Court below on 4th of September, 2017, when the petitioner will take the complainant and her children to keep



them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year, 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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 944 of 2015, 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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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