

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38418 of 2017

Arising Out of PS. Case No.-38 Year-2016 Thana- MATIARIA District- West Champaran

Arman Ansari @ Md. Arman Ansari, S/o Tapi Ansari, Resident of Village- Daraul, P.S.- Matariya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Khatija Khatoon W/o Arman Ansari @ Md. Arman Ansari, D/o Jhithrullah Ansari, resident of Village- Daraul, P.S.- Matariya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-10-2017 Heard learned counsels for the petitioner,
complainant and learned APP for 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 Sections 498A/307/326/120B/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with filing of the Complaint Case No. 1904C of 2016 which on its being transferred under Section 156(3) of the Cr. P.C. got registered as Matariya P.S. Case No.38 of 2016, to the effect that the marriage of the complainant, Khantija Khatoon, was performed



with the petitioner on 20.06.2013. After six months of marriage, the accused persons started demanding further dowry of Rupees Two Lacs from the father of the complainant and on non-fulfillment of the same the complainant was subjected to physical and mental torture. Subsequently, the complainant gave birth to a female child. On 24.10.2016, all the accused persons attempted to kill the complainant by setting her on fire, but accused persons could not succeed since the neighbouring persons assembled on hearing the screams of the complainant and her child.

It is submitted by learned Counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. Admittedly, the child is with the complainant. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep her with due dignity and honour.”

It is further submitted that the petitioner filed Matrimonial Case No.439 of 2016 before the Family Court, Bettiah, for restitution of conjugal rights.



It is submitted by learned Counsel appearing on behalf of the complainant that the complainant is ready to accept the offer of the petitioner, but she is apprehensive due to past conduct of the petitioner and hence in such circumstances, she is not opposing the prayer for bail of the petitioner for the present.

Both sides agree to appear before the learned Court below on 27th of November, 2017 when the petitioner will take the complainant to matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties and in order to save the complainant and the minor child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Matiariya P.S. Case No.38 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 learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) or, if the complainant fails to appear before the learned Court below (iii) or, if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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