

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40011 of 2016

Arising Out of PS.Case No. -2121 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md. Serfuddin S/o late MishrauliMiyan Resident of Village- Singhalia
Sankar tola P.S. Motipur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubaida Khatoon D/o Md. Masim Resident of Village Chaturpatti , P.S.
Paroo , District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

6 27-04-2017 Heard learned counsels for the complainant and the

State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case in which processes were
directed to be issued after cognizance being taken under Sections
323,313 and 498A/34 of the Indian Penal Code and sections 3 and
4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment
of dowry demands. It is also alleged that due to assault made by
the petitioner and others three months' pregnancy got terminated.

On submission of learned counsel for the petitioner



that the petitioner admits his marriage with the complainant and is ready to keep her with full dignity and honour, vide order dated 19.9.2016 notices were issued to the complainant O.P. No. 2. Statement has been made in paragraph 7 of the petition that the petitioner is ready to keep the complainant as wife with full dignity and honour which reads as follows:

“That the petitioner is the husband of the Complainant and he is ready to keep and maintain to the Complainant with full dignity and honour.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and to resume the conjugal life.

It is expected that both petitioner and the complainant shall appear before the learned court below on 19.5.2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 six 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



SDJM, Muzaffarpur in connection with Complaint Case No. 2121 of 2014 subject to the conditions as laid down under Section 438(2) 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 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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