

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18022 of 2017

Arising Out of PS. Case No.-403 Year-2015 Thana- KAHALGAON District- Bhagalpur

Md. Sindbaj, Son of Sheikh Belal @ Sheikh Belalu, Resident of Village-
Pakartala, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiwesh Chandra Mishra
For the State	:	Mr. NITYANAND TIWARY
For the Informant	:	Mr. S.M. Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-09-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant-
Opposite Party No. 2 is apprehending arrest in a case registered
for the offence punishable under Section 498A of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with the written report
dated 19.9.2015, submitted by the informant-O.P. No. 2 before
the Officer Incharge of Kahalgaon Police station to the effect
that the Nikah between the petitioner and the informant was
performed on 22.4.2013 but the demand of Rupees Fifty
Thousand was being made from the date of Nikah itself and for
non-fulfillment of the same, the torture was inflicted. The



informant was assaulted and ultimately jewellery and other belongings were snatched and she was driven out from the matrimonial house. Subsequently, the parents of the informant paid Forty Thousand rupees and she went to the matrimonial house on 4.1.2015 when the accused persons assaulted her.

It is submitted by learned counsel for the petitioner that the petitioner admits his Nikah with the informant having no issue. It is the informant who deserted the petitioner and thereafter the petitioner performed second marriage, which is permissible, with one Bibi Suhana and he is blessed with one daughter from the second marriage. However, the petitioner is still ready to keep the informant as wife with full dignity and honour at his place of employment at Delhi. Statement to that effect has been made in paragraph 14 of the petition which reads as follows:

“That the petitioner undertook to abide by any condition imposed by this Hon’ble Court and the petitioner is ready to keep his wife (informant) with full dignity and honour.”

Learned counsel for the informant submits that in spite of the fact that the petitioner has performed second marriage, she is ready to accept the offer of the petitioner for resuming conjugal life but she is apprehensive of her future prospect due to the past conduct of the petitioner. Both sides agree to appear



before the learned court below on 12.10.2017 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the petitioner above named be released on provisional anticipatory bail for six months on furnishing bail bond of Rs.10000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur in connection with Kahalgaon P.S. Case No. 403 of 2015.

The provisional anticipatory 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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