

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67788 of 2018

Arising Out of PS. Case No.-1094 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Anikul @ Kalu @ Ainul Haque, Son of Md. Malek Resident of Village-
Kanuwa Bazar,P.S. Purnea Sadar,Distt.-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Saleha D/o of Sirajuddin Resident of Village-Dargapur Ghuski,
P.S.Barari, Distt.-Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav
For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 498A, 494 of the Indian
Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed three years prior to the filing of the complaint.
For six months after the marriage the complainant was kept with
dignity and honour and thereafter, further dowry demand of
Rs.One lakh was made by the petitioner and other in-law family



members. Subsequently, on non-fulfillment of the same, torture was inflicted upon the complainant. It is further alleged that on 25.05.2016, the accused persons snatched the belongings of the complainant and drove her out from the matrimonial house. It is also alleged that the husband of the complainant has performed second marriage with one Bibi Mehnaj Khatoon.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant (Opposite Party No. 2) as his wife with all prestige and honour.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the



above named petitioner be released on provisional anticipatory bail for four months in the event of 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 Chief Judicial Magistrate, Katihar in connection with Complaint Case No. 1094 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) 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)

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