

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36088 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- BARSOI District- Katihar

Md. Salim @ Samir Shaikh @ Md. Samir Shaik, Son of Md. Aatik, Resident of Village- Fhua Gaon, P.S.- Barsoi (Kachna O.P), District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsels for the petitioner, informant and State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506 and 498A/34 of the IPC.

The prosecution case as per the written report of Nazma Khatoon, dated 02.11.2017, submitted to the Station House Officer, Barsoi (Kachna O.P.) Police Station is to the effect that the informant Nazma Khatoon was married with the petitioner about 11 years ago. Subsequently, demand of further dowry was made and due to non-fulfillment of the same, the informant was tortured and she was driven out from her matrimonial house.

It is submitted by learned counsel for the petitioner that the



petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows:-

“That it is stated that the petitioner always ready to keep his wife with full dignity.”

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

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below on 16th of July, 2018 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/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 like amount each to the satisfaction of learned SDJM, Katihar in connection with Barsoi (Kachna O.P.) P.S. Case No. 334 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.



The provisional bail of 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)

Amrendra/-

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