

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12879 of 2019**

Arising Out of PS. Case No.-212 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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ARZOO ALAM @ GUDDU Son of Late Kamruddin Kha R/o Mohalla
Khankah, Kabir Colony, Madarsa Road Near FAL Mandi, P.S.- Sasaram,
District- Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shabnam Akhtar W/o Arzoo Alam @ Guddu, D/o Firoj Akhtar R/o Mohalla-
Nil Kothi, Ward No. 30, P.S.- Dehri, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-05-2019 Heard learned counsels for the petitioner and 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 323 and 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is to the effect that the marriage of the complainant was performed with the petitioner on 12.11.2011. Subsequently, they were blessed with a male child. Thereafter, the complainant was diagnosed with Hepatitis 'B' and for the purpose of her treatment,



petitioner took loan of Rs.3,00,000/- from the brother of the complainant. It is further alleged that when the brother of the complainant came to meet her sister, then the petitioner and other in-law family members of the complainant abused and assaulted him.

Learned counsel for the petitioner submits that the petitioner admits his marriage with complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 11 of the petition, which reads as follows:-

“That the petitioner husband is ready to keep the informant with full dignity 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. It is further submitted that in fact, the brother of the complainant took Rs.2,17,000/- as loan from the petitioner and when the brother of the complainant did not return the same, the petitioner filed Complaint Case No. 967 of 2017, against him.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court



below on 15th of May, 2019 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 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Dehri, Rohtas in connection with Complaint Case No. 212/2017, subject to the conditions as laid down under Section 438(2) 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, 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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