

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23206 of 2019

Arising Out of PS. Case No.-370 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SAMIM KHAN, Son of Salim Khan Resident of Mohalla- New Mohalla
Shahpur, Post- Shahpur, Police Station- Chainpur, District- Palamu
(Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Hina Praveen, W/O Samim Khan and daughter of Md. Ibrahim Khan
Resident of Village- Tilauthu, P.O. and Police Station- Tilauthu, District-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar, Adv.
For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-11-2019 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 Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case is that the marriage of the complainant was performed with the petitioner on 28.02.2012, but subsequent to the marriage, further demand of dowry of Rs. 1 lac was made and due to non-fulfillment of the same, the complainant was tortured by the petitioner and other in-laws family members.



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. 15 of the petition, which reads as follows:-

“That petitioner still ready to keep the complainant at his work place with dignity with condition that the parents of the complainant will not interfere in their day to day life”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner, but the petitioner is in habit of giving such undertaking, as he also gave similar undertaking before the learned Court below, but he did not comply such undertaking. This fact also gets confirmed from the fact that this Court, vide order dated 22.07.2019, referred the matter to the Mediation and Conciliation Centre of Patna High Court Legal Services Committee and the report of the Mediator dated 20.08.2019, kept at flag- ‘M’ reflects that the mediation has failed since the petitioner failed to appear before the Mediation Centre.

Both sides agree to appear before the learned Court below on 26th of November, 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 three 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, Rohtas at Sasaram in connection with Complaint Case No. 370 of 2017, subject to the condition 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 substantially got 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.

The Court below should be conscious about the fact that the petitioner used to give such undertaking before the learned Court below and subsequently, failed to comply the same.

(Dinesh Kumar Singh, J)

Amrendra/-

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