

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62552 of 2018

Arising Out of PS. Case No.-2426 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Awais Akhtar S/o-Md. Habib, Resident of Village- Gogi Pothia, P.S.
Simraha, District-Araria

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nikhat Ara W/o-Md. Awais Akhtar, D/o-Kari Ainuddin, Resident of Village- Dumaria, P.S. Raniganj, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant 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 offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case, as per the complaint petition, is
that the complainant was married with the petitioner about 19
years prior to the lodging of the complaint. Subsequently, they
were blessed with three children but after few years of the
marriage further dowry demand of Rs.Two lakhs and a
motorcycle were made and due to non-fulfillment of the same,



torture was inflicted and she was being assaulted and driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of three children. Petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is always ready to keep his wife with full dignity and honour.”

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 4th of February, 2019 when the petitioner will take the complainant and the children to the matrimonial house to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six 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 Sub-divisional Judicial Magistrate, Araria in connection with Complaint Case No. 2426 of 2017, 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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