

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48087 of 2019

Arising Out of PS. Case No.-477 Year-2014 Thana- COMPLAINT CASE District- Banka

MD.SADDAM ANSARI S/o Jahid Ansari Resident of C.R.D., P.S.-
Pathargawan, District- Godda (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maksuda Khatoon W/o- Saddam Ansari, D/o - Mansoor Ansari Resident of C.R.D., P.S.- Pathargawan, District- Godda (Jharkhand), at present resident of Barbanna, P.S.- Dhoraiya, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary
For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 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 498A, 323, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that the marriage of the complainant was performed with the petitioner on 10.11.2011, but subsequent to the marriage, further dowry demand of Rs.50,000/- was made and due to non-



fulfillment of the same, torture was inflicted upon the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant opp. Party no.2 and is always ready to keep his wife with full dignity and honour.”

Though this Court is not inclined to enlarge the petitioner on bail since the complaint was filed in 2014 when the present application has been registered on 31.07.2019, but with a lurking hope that the present stand of the petitioner, will facilitate the restitution of conjugal life, let the above named petitioner be released on provisional anticipatory bail for three 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, Banka, in connection with Complaint Case No. 477 of 2014 subject to the



conditions as laid down under Section 438(2) Cr.P.C.

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

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)

Ashwini/-

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