

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66882 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA PS District- East Champaran

JAMSHED Son of Sheikh Salim Resident of Village-Siswa, P.S.-Banjariya,
District-East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ruksana Khatoon Daughter of Sheikh Islam Resident of Village-
Purshottampur, P.S.-Chhauradano, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 504, 406, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant, Ruksana Khatoon was married with the petitioner on 28.05.2010, but subsequent to the marriage, there was further dowry demand of a motorcycle and due to non-fulfillment of the same, the informant was tortured and ultimately, she was driven out from



the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and only dispute is that the informant wants the petitioner to settle in the matrimonial house. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

Considering the present stand of the petitioner, 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran, in connection with Mahila P.S. Case No.41 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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