

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81132 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA P.S. District- Araria

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AHMAD WAQUAR KHAN @ AHMAD WAQAR KHAN Son of Md.
Mahboobur Rahman @ Mahboob Khan @ Md. Mahboobur Rahman Khan
Resident of Village - Balthi Maheshpur, P.S.- Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 143,341,323,504,506,498A and 354A/34 of the IPC.

The marriage between the informant and the petitioner is admitted. It is alleged that subsequent to the marriage, further dowry demand was made and due to non-fulfillment of the same, torture was inflicted upon the informant. It is also alleged that the father-in-law of the informant wanted to have physical relationship with the informant and on protest being made, the petitioner being husband did not take any action.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her 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 it is submitted here that the petitioner being the husband of the informant always ready to keep his wife/informant with full dignity and honour which she deserves.”

It is further submitted that the Matrimonial Suit No. 31 of 2019 for restitution of conjugal rights.

Considering the present stand of the petitioner, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Mahila P.S. Case No. 22 of 2019 subject to the conditions laid down in Section 438(2) of the 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 the 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)

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