

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79496 of 2019**

Arising Out of PS. Case No.-68 Year-2018 Thana- MAHILA P.S. District- Madhubani

Md. Shahnawaz Son of Late Hasibul Rahman, Resident of Village - Izara,  
P.S.- Rahika, District – Madhubani. ... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      14-02-2020                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner, being husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 341,323, 498(A), 379, 494/34 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

The prosecution case, got initiated on the basis of the written complaint submitted by the informant before the SHO, Mahila Thana, Madhubani is to the effect that the marriage between the informant and the petitioner was performed on 25.03.2012, but subsequently due to non-fulfilment of further dowry demand, torture and assault was made on her.

It is submitted by learned counsel for the petitioner that it is admitted fact that the petitioner is husband of the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in



paragraphs no. 9 and 12 of the petition, which reads as follows:

***“9. That it is relevant to mention here that the petitioner is ready to keep the informant with full love and dignity, but she is the informant, who do not want to live with the petitioner at her Sasural”***

***“12. That petitioner is ready to keep his wife with all respect.”***

It is further submitted that similar was the stand of the petitioner before the court below, which gets reflected from the impugned order. A statement has been made in paragraph-3 of the petition that the petitioner is not having any criminal antecedent.

Considering the stand of the petitioner, coupled with the statement made in paragraph-3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on provisional anticipatory bail for four months, in the event of his arrest or surrender before the 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 Sub Divisional Judicial Magistrate, Madhubani in connection with Mahila P.S. Case No.68 of 2018, subject to 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 her matrimonial house and 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 get reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

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