

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81913 of 2019

Arising Out of PS. Case No.-1429 Year-2018 Thana- COMPLAINT CASE District- Araria

Ali Hasan @ Ali Hussain Ansari Son of Hasim Ansari Resident of Village -
Rajokhar, Ward No.5, P.S.- Araria.(R.S.), Distt.- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sameena Khatoon W/o Ali Hasan @ Ali Hussain Ansari, D/o Hefaz Ansari
Resident of Village - Gunwanti, Mill Chowk, Ward No.9, P.S.- Bounsi,
Dist.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner 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 offences punishable under Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.

The prosecution case as per the complaint petition
filed by Sameena Khatoon is to the effect that the complainant
was married with the petitioner seven years prior to the filing of
the complaint, but subsequent to the marriage, torture was
inflicted upon the complainant for non-fulfillment of further



dowry demand of Rs.50,000/-

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. The petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

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

Learned APP submits that there is accusation of torture against the petitioner.

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. 1429C of 2018, subject to the conditions as laid down under Section 438(2) of the 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 her matrimonial house 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 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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