

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41003 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -BALRAMPUR District- KATIHAR

Md. Hussain, son of Mojib

.... Petitioner/s

Versus

1. State of Bihar
2. Bilkesh Khatoon, wife of Md. Hussain

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Dasrath Mehta (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-08-2015

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 498A/323/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife and the children, born out of the wedlock, with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

"13. That the petitioner being a husband always ready to keep the opposite party no.2 with her children with full

honour and dignity.."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Balrampur P.S. Case No.61 of 2015, 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 (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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