

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45267 of 2015

Arising Out of PS.Case No. -3167 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md. Nesar @ Md. Nisar S/o Md. Taiyab Ansari
2. Md. Taiyab @ Md. Taiyab Ansari S/o Late Rahman Ansari
3. Kuraisha Khatoon @ Kuraisha Khatoon W/o Md. Taiyab Ansari All
resident of village - Mustafapur, P.S. Ahiyapur, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Tabassum Praveen D/o Md. Asraf resident of village - Abdul Nagar @
Madhopur, P.S. Ahiyapur, District - Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015 Heard learned counsels for the petitioners and the State.

The petitioner no.1 being the husband of the complainant and petitioner nos. 2 and 3 being the parents of petitioner no.1 are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioners submits that the petitioner no.1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and

honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That, the petitioners are always ready to keep her with full dignity and honour.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1. 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 SDJM, East Muzaffarpur in connection with Complaint Case No. 3167 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Considering the present stand of the petitioner no.1, let the above named petitioner nos. 2 and 3. be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, East Muzaffarpur in connection with Complaint Case No. 3167 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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