

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16357 of 2015

Arising Out of PS.Case No. -2902 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Jamaluddin @ Jamaluddin Mian Son of Mohammad Murtuja @Md. Murtuja Mian
2. Mohammad Murtuja @ md. Murtuja Mian son of Satar Mian
3. Fatama Khatoon wife of Mohammad Murtuja @ Md. Murtuja Mian All are resident of Village- Gayghat, Police Station-Andar Bazar,, District siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Sitara Khatoon wife of Jamaludin@ Jamaluddin Mian Resident of Village- Gayghat, Police Station Andar Bazar, District siwan. At present daughter of Mohabbat Mian, Resident of village- Line Bazar, Police station-mirganj, District Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-04-2015 Heard learned counsels for the petitioner and the State.

The petitioners being the husband and parents of the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406 and 323 of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioners submits that the petitioner no.1 is ready to keep the complainant as

wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner no.1 is still ready to keep the complainant as a wife with full honour and dignity.”

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 Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 2902 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 2902 of 2013, 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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