

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5092 of 2015

Arising Out of PS.Case No. -1124 Year- 2004 Thana -COMPLAINT CASE District- ARRARIA

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1. Shah Iltaf @ Shah Altaf son of Shah Ahmad Resident of Village -
Kankhudiya, Police Station - Palasi, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Khudiya Khatoon daughter of Shah Nabul Resident of Village -
Kankhudiya, Police Station - Palasi, District - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Ramsewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2015 Heard learned counsels for the petitioner and the State.

The petitioner being 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 379 of the Indian Penal Code.

The accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner 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. The complaint was filed in the year 2004 but it is submitted that subsequently the issue was

reconciled between the parties.

Considering the present stand of the petitioner, 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 bond of ₹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. 1124 of 2004, 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 will take the complainant 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 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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