

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18537 of 2015

Arising Out of PS.Case No. -731 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Neyaz Ahmad Son of Md. Haroon resident of village- Siswaniya Jaitapur,
P.S.- Ramgadhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shahnaj Khatoon Daughter of Md. Imran resident of Village- Lalu
Nagar, East Khagaria P.S.- Bettiah (Muffasil) District- West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Bharat Lal(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 15-09-2015

Heard learned counsels for the petitioner and 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.

The basic accusation is of torture.

Initially it was submitted that the petitioner
disputes the factum of marriage when the notices were issued to
the complainant vide order dated 14.05.2015. The petitioner and

the complainant are present.

On instruction it is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child and is ready to keep the complainant as wife with full dignity and honour separately since he has performed second marriage, though, statement to that effect has not been made in the petition.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 29th of September, 2015 when the petitioner will take the complainant and child to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his 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, Bettiah, West Champaran in connection with Complaint Case No. 731C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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