

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13531 of 2015

Arising Out of PS.Case No. -64 Year- 2014 Thana -MAHILA P.S. District- SARAN

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Ali Asgar @ Ali Asgar Khan son of Annul Khan

.... Petitioner/s

Versus

1. The State of Bihar

2. Rubana Tabsum, Wife of Asgar Ali @ Ali Asgar Khan, resident of village- Bhimahi, P.O.- Inayatpur, P.S.- Daudpur, District- Saran, presently resides at Village- Khodai Bag, P.S.- Khodai Bag, P.S.- Khaira, District- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-05-2015

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/34 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 informant as wife with full dignity and honour. Similar was the stand of the petitioner before the learned court below, but complainant herself refused to go with the petitioner, a statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner has also made unconditional offer before the learned court below for keeping his wife O.P. No.2 with full

honour and dignity, but O.P. No.2 herself refused to live with the petitioner."

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 Sub-Divisional Judicial Magistrate, Saran, Chapra in connection with Mahila P.S. Case No.64 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 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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