

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23340 of 2015

Arising Out of PS.Case No. -1560 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Shahid Alam Roy @ Md. Shahid Roy S/o Md. Farooque Resident of Village Bari Chatar, Police Station Falka, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Firoza @ Firoza Khatoon D/o Ziauddin Roy Resident of Village Bokantri, Police Station Sikty, District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Narsing Tanti (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture. The marriage between the petitioner and the complainant and birth of female child are admitted facts.

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in

paragraph 8 of the petition, the relevant portion of which reads as follows:

“That, the petitioner is the husband of the complainant and always ready to keep her with full honour.....”

The petitioner has filed Matrimonial Case No. 1269 of 2014 for restitution of conjugal rights.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 20.7.2015 when the petitioner will take the complainant to keep her as wife 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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Araria in connection with Complaint Case No. 1560 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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