

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38645 of 2014

Arising Out of PS.Case No. -2627 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Awesh Alam @ Md. Awesh son of Sk. Ishaque Resident of Village
- Kumhiya, P.S. - Palasi, Dist - Araria.

.... Petitioner

Versus

1. The State of Bihar .
2. Bibi Kalila Khatoon Daughter of Ahmad Hussain, Wife of Md. Awesh
Alam Resident of Village - Koshakipur, P.S. AND District - Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh
For the Opposite Parties : Mr. Ram Priya Saran Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-05-2015 Petitioner being husband of the complainant
is apprehending his arrest in a complaint case wherein
processes were 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.

The factum of marriage between the
petitioner and the complainant and birth of two children are
admitted facts.

On joint prayer of the parties, the matter was
referred to the Mediation Centre of the State Legal Services
Authority. The report of the Mediator at Flag-A suggests that
the mediation could not succeed due to non-cooperation of the
O.P. No. 2.

Learned counsel for the petitioner submits

that petitioner is ready to keep the complainant as wife with full dignity and honour.

On instruction, it is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 18th of May, 2015 when the petitioner will take the complainant along with their children to her matrimonial house to keep them with full dignity and honour.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 2627C of 2013.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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