

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37101 of 2015

Arising Out of PS.Case No. -1595 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Roshan Khan, S/o Rahim Khan, resident of village- Karnpura, P.S.+
District- Siwan

.... Petitioner/s

Versus

1. State of Bihar
2. Roshan Tara, W/o Roshan Khan, D/o Late Isha Khan, at present resident
of village- Amtha Khem, P.S.- Mirganj, District- Gopalganj

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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

ORAL ORDER

2 18-08-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 406 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of four children. Moreover, the petitioner is ready to keep the complainant and his four

children as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

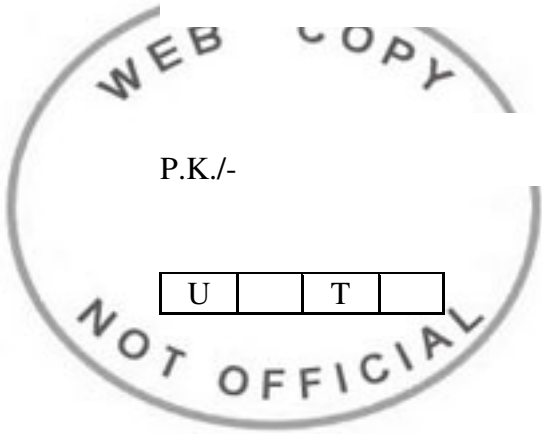
“That the petitioner is ready to keep his wife with all respect and dignity but in fact the complainant herself does not want to live with the petitioner.”

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 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, Gopalganj in connection with Complaint Case No. 1595 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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.



P.K./-

(Dinesh Kumar Singh, J)