

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36901 of 2015

Arising Out of PS.Case No. -1351 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Zakir, S/o Md. Manjar, resident of village- Belahi, P.S.- Kaluahi,
District- Madhubani

.... Petitioner/s

Versus

1. State of Bihar

2. Aisha Khatoon, W/o Md. Jakir, at present resident of village/Mohalla-
Maharaj Ganj, P.S.- Madhubani, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Asha Devi (App)

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**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 341, 323, 498A, 379/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has

been made in para- 12 of the petition which reads as follows:-

“That the petitioner is husband and he is ready to keep the complainant with all respect.”

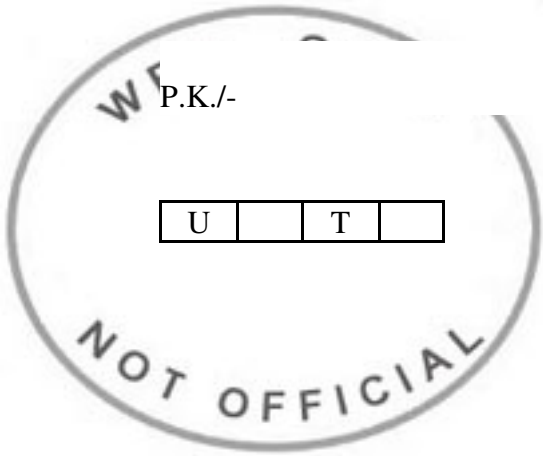
. Moreover, the petitioner has also filed Matrimonial Case No. 335 of 2014 for restitution of conjugal rights.

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 Sri Atul Bir Singh, Judicial Magistrate, Ist Class, Madhubani in connection with Complaint Case No. 1351 of 2014, 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.



(Dinesh Kumar Singh, J)