

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36978 of 2015

Arising Out of PS.Case No. -277 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Md. Nazam @ Md. Nizam Son of Marhum Razak, Resident of Village-
Raj Nagar Tole Satghara P.S. Raj Nagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guslan Khatoon Daughter of Md. Ahwad Resident of Village- Lahan
P.S. Lahan District- Sirha (Nepal).

.... Opposite Party/s

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Appearance :

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

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

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

2 27-08-2015 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, 341, 374, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That petitioner is husband of

the complainant and he is ready to keep his wife with all respect.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 Judicial Magistrate, Ist Class, Madhubani in connection with Complaint Case No. 277 of 2011, 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 six months 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)

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