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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43985 of 2014

Arising Out of PS.Case No. -31 Year- 2013 Thana -SAHARSA COMPLAINT CASE District- SAHARSA

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1. Md. Imtiyaz Son of Md. Tahir
2. Md. Tahir Son of Late Mohamad Uddin
3. Bibi Sanjeeda @ Dukhni Wife of Md. Tahir
   All are Resident of village- Sitanabad, P.S.- Bakhtiyarpur, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Saimun Khatoon D/o Md. Akiluddin, W/o Md. Imtiyaz Resident of village- Sitanabad, P.S.- Bakhtiyarpur, District- Saharsa.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 23-04-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the complainant and petitioner nos. 2 and 3 being the parents of the husband of the complainant are apprehending their arrest in a complaint case filed with accusation under Sections 323, 341 and 498A of the Indian Penal Code, consequently process has been directed to be issued after cognizance being taken for the offences alleged.

The basic accusation is of torture.

Notices were issued to the complainant-opposite

party no. 2 vide order dated 15.12.2014 on submission of learned counsel for the petitioners that petitioner no. 1 is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 7 of the petition, which reads as follows:- **"That, the petitioner no. 1 is the husband of the complainant and he is ready to keep his wife with full respect and dignity."**

The marriage between petitioner no. 1 and the complainant is admitted fact.

The complainant is ready to accept the offer of petitioner no. 1.

Both sides agree to appear before the learned court below on 4th of May, 2015 when petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner no. 1, let the above named petitioner no. 1 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, Saharsa in connection with Complaint Case No. 31C of 2013, subject to

the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of petitioner no. 1 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.

Considering the present stand of the petitioner no. 1, let the above named petitioner nos. 2 and 3 be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 31C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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