

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40455 of 2015

Arising Out of PS.Case No. -3305 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Mumtaz, S/o Sk Islam, resident of village- Diyuri Hatgachhi, P.S.-
Amour, District- Purnea

.... Petitioner/s

Versus

1. State of Bihar
2. Bibi Sanjida, D/o Late Shekh Suleman, W/o Md. Mumtaz resident of
village- Jindapur, Paschim Tol, PS.- Kasba, District-Purnia

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

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

ORAL ORDER

2 28-08-2015 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 498A, 323 and 307 of the Indian Penal Code.

The accusation is of torture after 13 years of marriage.

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 the petitioner is always

ready to keep her with full dignity and honour which she deserves.”

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 Chief Judicial Magistrate, Purnia in connection with Complaint Case No. 3305 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)

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