

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44742 of 2015

Arising Out of PS.Case No. -300 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Mohd. Nabirul @ Md. Navirul son of Md. Ismile, resident of
Village-Parshuram Bandhar, P.S.-Hathauri, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Shakila Begam wife of Mohd. Nabirul @ Md. Navirul and daughter
of Md. Rajjak, resident of Mohalla-Khavas Tol, P.S.-Hasanpur and
District-Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2015 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition. The relevant portion of which reads as follows:-

“.....however, the
petitioner is ready to keep his wife and children with
love affection and full dignity.....”

Considering the aforesaid stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with Complaint Case No. 300 of 2014.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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