

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45183 of 2015

Arising Out of PS.Case No. -312 Year- 2006 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Shakeel Nadaf

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been 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 that the now the complainant has reconciled the issue and residing with the petitioner and she is being maintained by the petitioner, statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant and she is residing with the petitioner in the house where she was duly maintained by him in proper manner.”

Considering the present stand of the petitioner and the fact that the complaint was filed in the year 2006, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Complaint Case No. 312 of 2006, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner undertakes to appear before the learned court below with the complainant on 12th of October, 2015 and if the complainant admits that she is residing with the petitioner then the provision bail of the petitioner will be confirmed but if the complainant disputes the contention of the petitioner then the learned court below will make effort to reconcile the issue between the parties.

(Dinesh Kumar Singh, J)

Amrendra/-

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