

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27207 of 2014

Arising Out of PS.Case No. -1866 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Sabir Ansari @ Sabir Hussain Son of Amin Ansari resident of village -
Indarwa, P.S. Parihar, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Samima Khatoon, Wife of Md. Sabir Ansari, Resident of village –
Balaha Manorath, P.S. Bajpatti, District – Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Nirmal Kr. Sinha (App)

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

06/ 21-04-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have 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.

Notices were issued to the complainant-opposite
party no. 2 vide order dated 02.07.2014, thereafter fresh notices
were also issued on 03.02.2015. It appears from the office note

dated 10.04.2015 that the notices were received by the daughter of the complainant and considering that the notices to be treated deem valid service vide order dated 13.04.2015. Today also none is appearing on behalf of the complainant-opposite party no. 2.

It is submitted by learned counsel for the petitioner that the petitioner 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 it is submitted that after all this act of complainant the petitioner is ready to keep his wife with full honour and full dignity.”**

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 Sub-divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Complaint Case No. 1866 of 2012, 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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