

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51511 of 2015

Arising Out of PS.Case No. -1534 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Aslam Khan, S/o Late Akbar Ali Khan, resident of village- Chaita
Chorama Paithan Toli, Police Station- Pakari Dayal, District- East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Musrat Khanam, W/o Md. Aslam Khan, D/o Nasrul Khan, at present
residing at village- Joriyahi, p.s- Bairganiya, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Mustaque Alam (App)

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

ORAL ORDER

2 04-11-2015 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

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- 7 of the petition which reads as follows:-

“That the petitioner is the
husband of the complainant and always

ready to keep her with all respect and dignity but she herself does not want to live with this petitioner the reason best known to her .”

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, Sitamarhi in connection with Complaint Case No. C1-1534 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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