

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50846 of 2015

Arising Out of PS.Case No. -66 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

=====

MOHAMMAD MUMTAJ ALAM @ MOHAMMAD MUMTAJ @
MUMTAJ ALAM @ MUMTAJ, S/o Late Hadish Miyan, resident of
village- sikarahatakalan, Police Station- Sikarahatakalan, District- Bhojpur
..... Petitioner/s

Versus

1. The State of Bihar
2. Tarannum, W/o Mohammad Mumtaj Alam @ Mumtaj Alam @
Mumtaj, D/o Abdul Wahab, resident of village- Sikrahatakhurd, Police
Station- Sikarahata Klan, District- Bhojpur
..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uma Nath Mishra (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A/34 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 informant and he is ready to keep the informant 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 being a husband and still he is ready to keep his wife with full dignity and honour, but she

does not want to lead her conjugal life with him”.

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, Ara in connection with Bhojpur Mahila P.S. Case No. 66 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 informant on her appearance the petitioner will take the informant 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 informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--