

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53675 of 2015

Arising Out of PS.Case No. -1310 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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Md. Salim son of Md. Muslim Resident of village - Damahaili, P.S. -
Araria, Dist - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Tahura wife of Md. Salim, Daughter of Late Md. Taslim Resident of
village - Damahaili, P.S. - Araria, Dist - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-11-2015

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
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 petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That, admittedly the complainant is legally wedded wife of petitioner and he has fully aware his legal and social duty, responsibility and obligation to maintain and take proper care of complainant as well as still ready and always tried his best to keep the complainant and resume his happy conjugal life and always assured the complainant to give her all dignity, love and affection as a wife desire.”

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 Judicial Magistrate, Ist Class, Araria in connection with Complaint Case No. 1310C of 2013, 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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