

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54240 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -MAHILA PS District- GOPALGANJ

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1. Guddu Ansari Son of Isa Mohammad
 2. Asalam, son of Isa Mohammad
 3. Saheb Hussain, Son of Isa Mohammad
 4. Mumtaz, Son of Isa Mohammad
 5. Jaybun, wife of Isa Mohammad
 6. Isa Mohammad, son of Late Chokat, All Resident of village- Kukkur Bhuka (Behind Kali Mandir), P.S.- Bhorey, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Julekha Khatoon, wife of Guddu Ansari, All Resident of village- Kukkur Bhuka (Behind Kali Mandir), P.S.- Bhorey, District- Gopalganj presently residing at village- Pandey Khajurahan, P.S.- Bhorey, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2015 Heard learned counsels for the petitioners and the State.

The petitioner no.1 being the husband of the informant and petitioner nos. 2 to 6 being the brothers and parents of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 498A and 406/34 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioners submits that the petitioner no.1 admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A

statement to that effect has been made in para 16 of the petition which reads as follows:-

“That the petitioner is ready to keep the informant with full respect and dignity as his legally wedded wife.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 be released on provisional anticipatory bail for one year 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 SDJM, Gopalganj in connection with Gopalganj (Mahila) P.S. Case No. 65 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner no.1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the

informant gets reluctant to reconcile the issue.

Considering the present stand of the petitioner no.1, let the above named petitioner nos. 2 to 6 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, Gopalganj in connection with Gopalganj (Mahila) P.S. Case No. 65 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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