

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11470 of 2015

Arising Out of PS.Case No. -107 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ali Musa @ Pavez Son of Chhedi resident of Village - Bangrahtta, P.S. -
Ghanshyampur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kuresha Khatoon Wife of Ali Musa, D/o - Salim Ansari Resident of
village - Makrampur, P.S. - Bahera, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Jha

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 28-09-2015

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 Sections 323, 494 and
498A of the Indian Penal Code.

The basic accusation is of torture and performing
second marriage.

The petitioner and the complainant are present.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage and birth of two children. Though, the petitioner has performed second marriage but he is ready to keep the complainant and the children with dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner (Husband) of complainant is always ready to keep the complainant (wife) with him for even with full dignity and honour.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 12th of October, 2015 when the petitioner will take the complainant and the children to keep them with dignity and honour.

Considering the present stand of the parties, 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, Biroul, Darbhanga in connection with C.R. No. 107 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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