

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13095 of 2015

Arising Out of PS.Case No. -701 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

1. Md. Mokim Son of Late Taslimuddin Resident of Village- Kujri, P.S. - Palasi, Dist- Araria,

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Jinat Jahan wife of Md. Mokim, daughter of Riyaz Ahmad, Resident of Village- Kujri, P.S. - Palasi, Dist- Araria,

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh

For the Opposite Parties : Mr. S. Eheteshmuddin (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-05-2015

Petitioner being husband of the complainant

is apprehending his arrest in a complaint case wherein processes were 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.

The petitioner and the complainant/O.P. No. 2 are present. The petitioner claims that he has divorced the complainant, though admits factum of marriage and birth of four children. The petitioner also admits performance of second marriage.

The complainant denies the factum of divorce and she is ready to resume the conjugal life immediately in spite of the fact that petitioner has performed second marriage.

In the alternative the petitioner is ready to keep the complainant, provided the barriers for resuming the conjugal life under Muslim rituals after divorce are being removed.

Considering the fact that factum of divorce is in dispute, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No. 701 of 2014.

Let learned Court below conduct an enquiry with regard to factum of divorce and if learned Court below comes to the conclusion that petitioner has validly divorced the complainant under Muslim rituals/rights then the provisional bail of the petitioner will be confirmed. But, if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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