

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50385 of 2014

Arising Out of PS.Case No. -1518 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Maksud Alam son of Hadish Mian

.... Petitioner/s

Versus

1. The State of Bihar
2. Amna Khatoon, D/o Reyajuddin Ahmad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending 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 accusation is of torture.

It is submitted by learned counsel for the petitioner that that though as per 'Muslim' rights the petitioner divorced the complainant but if she admits he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That after all events the petitioner is still ready to keep the wife 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 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 Judicial Magistrate, 1st Class, Gopalganj in connection with Complaint Case No.1518 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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