

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38830 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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1. Md. Habibullah, son of Md. Abdul Rauf, resident of Village- Subhankarpur, Ward No. 9, P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tarannum Khatoon, w/o Habibullah, resident of village- Subhankarpur (Chhota- Tapu), ward No. 9, P.S.- Birpur, District- Supaul; Daughter of Jasmuddin, at present residing at village-....., P.S.-....., District-.....

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015 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 Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is

ready and willing to keep the wife/Opposite Party

No. 2 with full honour and dignity”

Considering the present stand of the petitioner, 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 one year, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur, Supaul in connection with Complaint Case No. 180(C) of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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