

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47353 of 2015

Arising Out of PS.Case No. -226 Year- 2008 Thana -PURNEA SADAR District- PURNIA

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Md. Barjahan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant in the year 2003. Though, the case was instituted in the year 2008, but during investigation, the accusation was found false and final form was submitted and the petitioner was not sent up for trial but subsequently differing with the final form, on 02.01.2013, learned Magistrate took cognizance under Sections 323 and 498A of the IPC. It is further submitted that in the year 2015 also the informant



filed Complaint Case No. 358 of 2015 wherein also the cognizance was taken under Section 498A IPC. In that case, the petitioner has been granted provisional anticipatory bail for one year on the undertaking that he is ready to keep the complainant as wife with full dignity and honour which is to be confirmed 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. Similar stand of the petitioner is today, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant and always ready to keep his wife with full dignity and honour.”

Considering the fact that the petitioner has been granted provisional anticipatory bail in the subsequently case filed with similar accusation, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned JM, Purnea in connection with Sadar P.S. Case No. 226 of 2008,

subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Amrendra/-

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(Dinesh Kumar Singh, J)