

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53147 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Sharfuddin Mian @ Sarfuddin Dewan Sonof Nirabam Mian Resident of
Village Kelwari Majharia, Police Station Adapur District East Champaran ,

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nazbun Nessa daughter of Kalimuddin Mian and wife of Sharfuddin
Mian@Sarfuddin Dawar resident of Village Mukherhia Police Station
Nakardai district East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda

For the Opposite Party/s : Mr. M.K.Nirala(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 23-11-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
complainant is apprehending arrest in a complaint case in
which processes were directed to be issued after cognizance
being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner
admits his marriage with the complainant and is ready to
keep the complainant as wife with full dignity and honour.
Statement to the aforesaid effect has been made in

paragraph no. 12 of the petition relevant portion of which reads as follows:

“ That, the petitioner is ready to keep and maintain with dignity and protection to the complainant.....”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Raxaul at Motihari in connection with Complaint Case No. C-103 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if



the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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