

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52519 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -SONBERSA District- SITAMARHI

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Nasrullah Khan, son of Wasir Khan, resident of Village-Fatehpur, P.S.-
Sonbarsa, District-Sitamarhi

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-11-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 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 informant. The informant herself deserted the petitioner. However, the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition the relevant portion of which reads as follows:-

“.....thereafter the

informant herself changed her behaviour with the petitioner and deserted him and also made Khula(divorce) to the petitioner before the Panchayat in New Delhi thereafter, the petitioner made her second marriage although the petitioner is ready to

keep the informant with full dignity and honour”

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 Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 124 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant 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 informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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