

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54335 of 2015

Arising Out of PS.Case No. -720 Year- 2012 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Yusuf

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-12-2015

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 Sections 341, 323, 379, 498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It appears that petitioner's anticipatory bail application was disposed of by the learned Sessions Judge in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)**, since only summons were issued against him.

It is submitted by learned counsel for the petitioner that

now the warrant has been issued against the petitioner, statement to that effect has been made in para 12 of the petition, which reads as follows:-

“That in this case warrant has been issued against the petitioner...”

Learned counsel for the petitioner further submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That the petitioner is husband of opposite party no.2 and he is ready to keep his wife with all respect.”

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 SDJM, Madhubani in connection with Complaint Case No. 720 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)

Amrendra/-

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