

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37100 of 2015

Arising Out of PS.Case No. -508 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Masum Ekbal @ Munna @ Md. Iqbal Ahmad, S/o Abdul Shakur, resident
of village- Islampur, Khakhai, P.S.- Kishanpur, District- Supaul

.... Petitioner/s

Versus

1. State of Bihar
2. Bibi Sharifan, W/o Masum Ekbal @ Munna, D/o Md. Hanif, resident of
village- Simrahi, P.S.- Raghapur, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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

ORAL ORDER

2 18-08-2015

Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint
case in which processes have been directed to be issued
after cognizance being taken for the offences punishable
under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the
petitioner that petitioner has performed second marriage
but still ready to keep the complainant and his son as
wife with full dignity and honour. Statement to that effect
has been made in para- 7 of the petition which reads as
follows:-

“That the petitioner is husband of
the complainant and he is always ready to
keep the complainant (wife) and his son

with full respect and dignity.”

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur at Supaul in connection with Complaint Case No. 508C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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