

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45392 of 2014

Arising Out of PS.Case No. -1653 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

=====

Idd Mohammad Ansari @ Idd Mohammad @ Idd Mohmad S/o Jainuddin
Ansari R/o village - Kalyanpur, P.S. - Kalyanpur, District - East
Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushban Nesha, W/o Idd Mohammad Ansari, Resident of Kalayanpur
District – East Champaran, Motihari.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Madhuri Lata(App)

=====

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

03/ 01-04-2015

Heard learned counsels for the petitioner and the

State.

The matter is listed under heading for ‘Orders’
since opposite party no. 2 has not appeared. Mr. Anil Kumar,
learned counsel is filing Vakalatnama on behalf of opposite party
no. 2.

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

The basic accusation is of torture.

Notices were issued to the complainant-opposite party no. 2 vide order dated 23.12.2014 on submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 8 of the petition, which reads as follows:- **“That petitioner being husband of the complainant is ready to keep complainant as a wife with all dignity.”** The marriage between the petitioner and the complainant and birth of a male child are admitted facts.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 20th of April, 2015 when the petitioner will take the complainant and child to keep them with dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with

Complaint Case No. 1653 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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)

DKS/-

U		T	
---	--	---	--