

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8984 of 2015

Arising Out of PS.Case No. -2542 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Md. Akram Faridi @ Md. Akram Kawual son of Md. Siddique
Kawual, resident of village-Tara Bariyarpur, Police Station-
Khudawandpur, District-Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. Zeenat Khatoon daughter of Noorul Islam, resident of Village-
Talsehan, P.O.-Khaje Chandchhapra, Police Station-Goraul(Katahra
O.P.), District-Vaishali

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anamul Haque
For the Opposite Parties : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2015 The matter was listed under the heading 'For
Orders' but since the petitioner and the complainant/O.P. No.
2 have appeared, the matter is being taken up for Admission.

The petitioner being husband of the
complainant is apprehending his arrest in a complaint case
wherein processes were 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.

It is submitted by learned counsel for the
petitioner that earlier also the petitioner filed Complaint Case
No. 796 of 2006 with similar accusation in which the petitioner
has been acquitted. The petitioner claims to have divorced the
complainant as per muslim rituals.

The factum of divorce is being disputed by the complainant and she wants to resume the conjugal life. The petitioner is ready to accept the offer of the complainant but after Halala.

The factum of marriage between the petitioner and the complainant and birth of four children are admitted facts.

Considering the nature of dispute between the parties, 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 six months, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hajipur in connection with Complaint Case No. 2542 of 2013.

Let learned Court below conduct an enquiry with regard to the factum of divorce. If learned Court below comes to the conclusion that petitioner has actually divorced the complainant as per muslim rituals then provisional bail of the petitioner will be confirmed. But, if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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