

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7660 of 2015

Arising Out of PS.Case No. -456 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Md. Arshad, S/o Late Md. Ismail, resident of village- Najir Bagh, Building
no. 98 /118, P.S.- Wekanganj, District- Kanpur(Uttar Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar
2. Busara Praveen, W/o Md. Arshad, D/o Nurain, resident of village-
Najirbagh, Building No. 98/118, P.S.- Wekanganj, District-
Kanpur(Uttar Pradesh) at present resident of village- Ramgarhwa Bazar,
Ward No. 7, P.S.- Ramgarhwa, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Indu Kri.Srivastav(APP)

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

2 26-02-2015 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour and petitioner has filed restitution case at the earlier point of time. Statement to that effect has been made in para-11 of the petition.

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, Raxaul at Motihari, East Champaran in connection with Complaint Case No. 456 of 2013, 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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