

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21934 of 2015

Arising Out of PS.Case No. -318 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Abdus Salam @ Abbu. Son of Md. Rasid. Resident of village -
Kanharia, Police Station - Amour, District - Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Bibi Rubi Khatoon. Wife of Abdus Salam @ Abbu, Daughter of
Phatkan Ali. Resident of village - Bagdah, Police Station - Amour,
District - Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Hussain

For the Opposite Parties : Mr. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015 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 Sections 494, 498A of
the Indian Penal Code.

The basic accusation is of torture and
performing second marriage.

It is submitted by learned counsel for the
petitioner that petitioner has not performed second marriage
though statement to that effect has not been made in the
petition.

On instructions, it is submitted by learned
counsel for the petitioner that petitioner is ready to keep the

complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is always
ready to keep his wife with full dignity and respect”

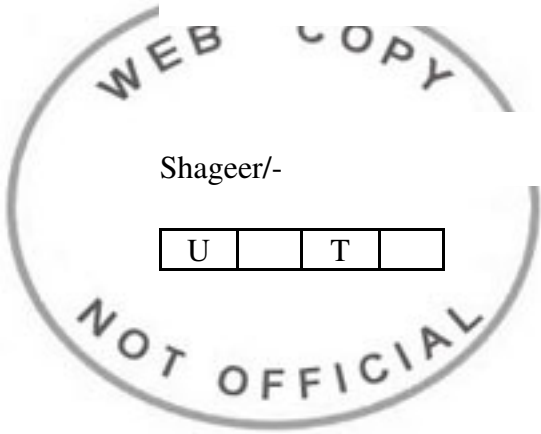
Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 318 of 2013.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

But the provisional bail of the petitioner will not be confirmed if substantial proof comes that petitioner has

performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.



(Dinesh Kumar Singh, J)