

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34027 of 2015

Arising Out of PS.Case No. -415 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Haidar Ali

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. D.P. Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is husband, he is ready to keep his wife with full honour and dignity.”

It is submitted by learned counsel for the complainant

that though the complainant is ready to accept the offer of the petitioner but the petitioner has not deposited the amount agreed to be paid as directed in maintenance case no. 143 of 2013.

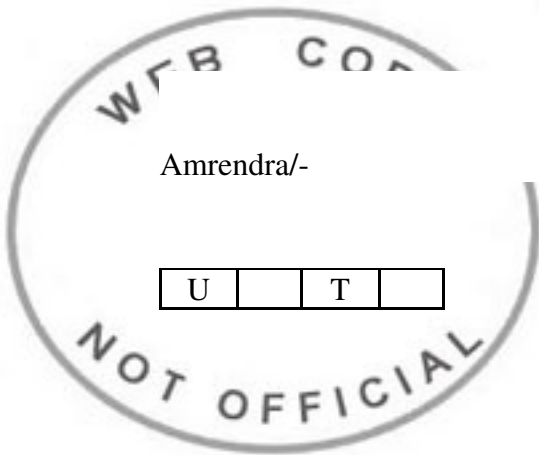
It is submitted by learned counsel for the petitioner that the petitioner will deposit the amount as agreed between the parties in the maintenance proceeding.

Both sides agree to appear before the learned court below on 28th of September, 2015 when the petitioner will take the complainant to keep her as wife with full 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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jhanjharpur, Madhubani in connection with Complaint Case No. 415 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant

gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)