

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36694 of 2015

Arising Out of PS.Case No. -78 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Nazim @ Sk. Nazim S/o SK. Sanaullah of vill. - Madhopur, P.S.
Chiraiya, Distt. - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Tara D/o SK. Nathuni, W/o Md. Nazim @ SK. Najim residing
at vill. - Khairwa, P.S. Chhauradano, Distt. - East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

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

ORAL ORDER

2 18-08-2015

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 Sections 498A/34 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 admits the
marriage with the complainant and he is ready to keep
the complainant as wife with full dignity and honour.
Statement to that effect has been made in para- 9 of the
petition which reads as follows:-

“That the petitioner is still willing
to lead a married life with her and his
daughter but it is she who is not coming to

the petitioner.”

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 Sri S.K. Shrivastava, Judicial Magistrate, Ist Class, Raxaul at Motihari in connection with Complaint Case No. 78C of 2014, 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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