

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42178 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Md. Razi Ahamad @ Razi Ahamad

.... Petitioner/s

Versus

1. State of Bihar,
2. Rahmati Khatoon

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2015 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323/34 and 498A of the Indian Penal Code.

The basic accusation is of torture.

From the pleadings, it appears that the petitioner admits his marriage with the complainant and the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 8 of the petition which reads as

follows:

“That it is further stated and submitted that the petitioner is ready to keep his wife that is complainant with due honour and dignity.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 1.10.2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Biraul, Benipur (Darbhanga) in connection with Complaint Case No.180 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i)



if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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