

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43883 of 2015

Arising Out of PS.Case No. -947 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Md. Murtuza, son of Md. Nizamujddin, resident of Village-Sekhpura, P.S.-
Desari, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Mosina Khatoon, wife of Md. Murtuza, daughter of Md. Jalaluddin,
at present resident of Village-Anray Nagar Dogra, P.S.-Mahua,
District-Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2015

The 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that 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 8 of the petition which reads as follows:-

“That in spite of every thing

the petitioner was and is always made to keep the
opposite party No. 2 as wife with full honour and
dignity.”

Considering the aforesaid 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, Vaishali at Hajipur in connection with Complaint Case No. C1-947 of 2013.

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.

(Dinesh Kumar Singh, J)

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