

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27261 of 2015

Arising Out of PS.Case No. -1437 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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MD. SHAHZAD QURAISHI MD.SHAHJAD QURESHI

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Opposite Party/s : Mr. P.K. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-11-2015 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 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present.

It is submitted that the petitioner admits his marriage with the complainant and birth of two children. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with and children full dignity and honour. It is further submitted that the petitioner made sincere effort to

bring back the complainant to the matrimonial house and filed matrimonial suit for restitution of conjugal rights. Statement to the aforesaid effect has been made in paragraph 11 of the petition.

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 30.11.2015 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, Danapur in connection with Complaint Case No.1437C 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 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)

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