

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45521 of 2014

Arising Out of PS.Case No. -326 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Md. Shoyab Son of Late S.K. Hakim @ Abdul Hakim Resident of Village -
Madhopur Mahuawa, P.S-Chiraiya, Dist.-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruhi Begum W/o Md. Soyab, D/o Md. Nasir, Resident of village –
Mahuawa, P.S. Chiraiya, District – East Champaran, Motihari, at
present village – Kusumahawa, P.S. Dhaka, District – East Champaran,
Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Md.Sufiyan(App)

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

ORAL ORDER

03/ 13-04-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have 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.

The factum of marriage between the petitioner
and the complainant and birth of two children are admitted facts.

The petitioner and the complainant are present.



Notices were issued to the complainant-opposite party no. 2 vide order dated 24.12.2014 on submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para 10 of the petition, which reads as follows:- **“That the petitioner wants to keep the victim but the complainant does not want to live with the petitioner (husband).”**

The petitioner is ready to take the complainant and two children from the Court itself to keep them with dignity and honour. The offer is acceptable to the complainant.

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 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 Judicial Magistrate, Ist Class, Motihari, East Champaran in connection with Complaint Case No. C-326 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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