

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37137 of 2015

Arising Out of PS.Case No. -736 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Md. Sahabuddin @ Md. Shahabuddin S/o Md. Mobarak, resident of village-
Chanda Saman Tola, P.S. Puraini, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Saruna Khatoon W/o Md. Shahabuddin D/o Md. Mustak, resident of
village- Chanda Saman Tola, P.S. Puraini, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv

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

For O.P. No. 2 : Mr. Surya Narain Yadav, Adv
Mr. Yogendra Prasad, Adv

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

03/ 25-08-2015

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
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 323, 504 and
498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits the complainant his wife and is
ready to keep the complainant as wife with full dignity and

honour. Statement to that effect has been made in para 7 of the petition, which reads as follows:- **“That the petitioner (husband of the complainant) is ready to keep here with full dignity and honour.”**

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 8th of September, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 Sub-divisional Judicial Magistrate, Udakishunganj, District - Madhepura in connection with Complaint Case No. 736 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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