

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55094 of 2015

Arising Out of PS.Case No. -276 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Md. Tohid

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 325, 384, 498A and 504 of the Indian Penal Code.

The basic accusation is of torture and used to cause severe burn injury for demand of Rs. 2 lac or transfer of land.

It is submitted by learned counsel for the petitioner that the complainant compromised the issue with the petitioner but petition to that effect could not be filed before the learned court below because the complainant retracted from her initial version. Learned counsel for the petitioner further submits that the 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 7 of the petition which reads as follows:-

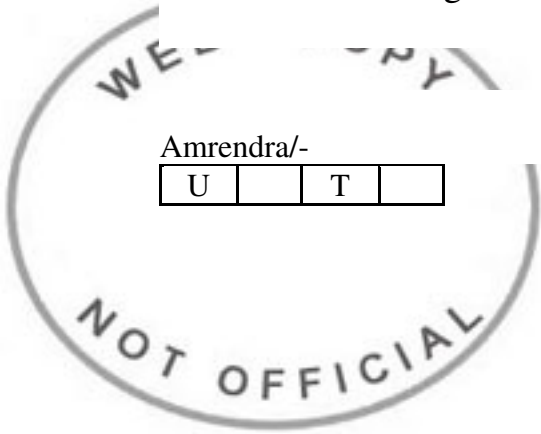
“That the petitioner is the husband of the complainant and ready to keep and live her with full dignity and honour as his wife.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, Rosera, Samastipur in connection with Complaint Case No. 276 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to

appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)