

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20560 of 2016

Arising Out of PS.Case No. -731 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Md. Firoz Alam son of Md. Mumtaz Shah, resident of Village Itawan,
P.S.- Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjum Khatoon, wife of Md. Firoz Alam, daughter of Imtiyaz Sah @
Jhunnu resident of Village- Sonwarsa, P.S.- Kudra, District- Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. R.P.S.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2016 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. It is further submitted that during her S.A the complainant has stated that she is ready to resume the conjugal life if the petitioner has not performed second marriage. The petitioner has not performed second marriage. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That false allegation has been levelled by the complainant that the petitioner had married another lady which is absolutely false and the petitioner has not taken second wife and O.P. No. 2 is the only wife as the same is even apparent from the statement of the witnesses as well as her solemn affirmation.”

It is also submitted that petitioner is still 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 even today, the petitioner has all love and affection with the O.P. No. 2 and wants to keep her with all love and human dignity.”

Considering the present 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 Judicial Magistrate, 1st Class, Kaimur at Bhabhua in connection with Complaint Case No. C-731 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance,

the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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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