

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3117 of 2016

Arising Out of PS.Case No. -731 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Md. Anis Son of Mati Ahmad, resident of village- Simra, P.S.- Piyaar,
District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubaida Khatoon wife of Md. Anis, resident of village- Chand Parna,
P.S. Meenapur, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Ashok Kr.Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 18-02-2016

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 Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. It is further submitted that the petitioner has divorced

the complainant on 20.01.2014 as per Muslim rituals and thereafter on 22.03.2014 the present complaint was filed. Though, the petitioner has filed Matrimonial Suit No. 135 of 2014 on 23.04.2014 for confirmation of the divorce.

Counsel for the complainant submits that the complainant disputes the factum of marriage and is ready to resume the conjugal life.

Considering the fact that the issue of divorce is in dispute, let the above named petitioner be released on anticipatory bail provisionally for six months 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, Muzaffarpur in connection with Complaint Case No. 731 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below decide the issue of divorce as preliminary issue whether the petitioner has divorced the complainant or not. If the learned court below comes to a conclusion that the petitioner has divorced the complainant as per Muslim rituals then the provisional bail of the petitioner will be

confirmed by the learned court below, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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