

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8484 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

1. Md. Kalam Son of Md. Jainul Abedin resident of Jit Jhingoi, P.S.
Khaira, Distt. - Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubana Khatun W/o Md. Kalam, D/o Md. Muslim resident of Paira
Matihani, P.S. Sono, Distt. - Jamui

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra (App)

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

2 19-02-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 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 the marriage with the complainant and he 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, petitioner humbly begs to state and submit that in fact he has been giving all due care to his wife (Complainant) and his baby. Even at the time of her delivery petitioner has spent all the medical expenses of doctor. Petitioner still wants to keep her wife and baby with due care and dignity. But contrary to that at the instigation of mother and brother of complainant she does not want to join this petitioner.”

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 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 Sri Amrendra Kumar, J.M., Ist Class, Jamui in connection with Complaint Case No. 175C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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)