

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9722 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Md. Mustafa son of Late Md. Habib resident of Village-Teka Bigha
Mogalpura, P.S.-Bakhtiyarpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Gausiya Khatoon, daughter of Md. Salim Uddin, resident of Village-Teka Bigha, P.S.-Bakhtiyarpur, District-Patna. At present resident of Mohalla-Banaulia, P.S.-Bihar Sharif, District-Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 342, 323, 504, 498A/34 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 informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 the petition which reads as follows:-

“That the petitioner being
husband is ready to keep the informant(his wife)
with full dignity and maintain her as per his
capacity subject to co-operation of informant”

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 six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif in connection with Mahila P.S. Case No. 52 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant 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 six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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