

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11027 of 2016

Arising Out of PS.Case No. -20 Year- 2014 Thana -MAHILA P.S. District- NAWADA

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Md. Hasnain Khan son of Ajazul Khan, resident of Village-Pithauri, P.S.-
Akbarpur, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Najma Khatoon, wife of Hasnain Khan, resident of Bhadauni, via,
Rajhat, P.S.-Akbarpur, District-Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016 The petitioner being husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A, 34, 313 of the Indian Penal
Code.

The basic accusation is of torture and due to
assault several times pregnancy got terminated.

It is submitted by learned counsel for the
petitioner that there is nothing on record to suggest that
pregnancy got terminated. The 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 9 of the petition which reads as follows:-

“That petitioner is ready to
keep the complainant with full love and dignity and
petitioner has married with consent of informant”

It is further submitted that informant's brother filed Complaint Case No. 893 of 2014 with similar accusation wherein processes have not been issued as yet.

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, Nawada in connection with Mahila P.S. Case No. 20 of 2014.

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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