

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10868 of 2016

Arising Out of PS.Case No. -201 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

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1. Md. Firiyad @ Md. Firiyad Hussain Son of Md. Muslim, Resident of village- Rajadih, Tole- Ghusukpur, P.s.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandani Khatoon, Wife of Md. Firiyad, D/oMd. Rijwan, Resident of village- Rajadih, Tole- Ghusukpur, P.s.- Tariyani, District- Sheohar presently residing at Village- Udai Chhapra, P.S.- Shyampur Bhataha, District- Sheohar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10858 of 2016

Arising Out of PS.Case No. -201 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

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1. Gulesha Khatoon son of Md. Muslim Resident of village- Rajadih, Tole- Ghusukpur, P.s.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandani Khatoon, Wife of Md. Firiyad, D/oMd. Rijwan, Resident of village- Rajadih, Tole- Ghusukpur, P.s.- Tariyani, District- Sheohar presently residing at Village- Udai Chhapra, P.S.- Shyampur Bhataha, District- Sheohar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.10868 of 2016)

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

(In Cr.Misc. No.10858 of 2016)

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-03-2016 The petitioner Md. Firiyad @ Md. Firiyad Hussain being husband of the complainant and petitioner Gulesha Khatoon being mother-in-law of the complainant are

apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners on instruction that petitioner Md. Firiyad @ Md. Firiyad Hussain admits his marriage with the complainant and is ready to keep the complainant 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 still the petitioner is
ready to keep his wife with full dignity and honour”

Considering the present stand of the petitioner Md. Firiyad @ Md. Firiyad Hussain, let the petitioner, Md. Firiyad @ Md. Firiyad Hussain, 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 Judicial Magistrate, 1st Class, Sheohar in connection with Complaint Case No. C-1/201 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner Md. Firiyad @ Md. Firiyad Hussain 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 Md. Firiyad @ Md. Firiyad Hussain 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 complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Considering the present stand of petitioner Md. Firiyad @ Md. Firiyad Hussain, let the petitioner Gulesha Khatoon, in the event of her arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail 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, Sheohar in connection with Complaint Case No. C-1/201 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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