

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12177 of 2016

Arising Out of PS.Case No. -722 Year- 2010 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Md. Kudus, S/o Late Md. Yasin,
 2. Kuresha Khatoon, W/o Md. Kudus,
- Both are resident of Village- Agadh, P.S. Srinagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Fulo Khatoon @ Girsu Khatoon, D/o Md. Safaid, R/o Village-
Jorabarganj, P.S. Kumarkhand, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 06-09-2016

Heard learned counsels for the petitioners and
the State.

The petitioner no. 1 the husband of the
complainant and petitioner no. 2 being second wife of petitioner
no. 1 are apprehending their arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that though summons were issued in 2012 but the

petitioner has received summons recently. Petitioner no. 1 is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition, which reads as follows:-

“That petitioner no. 1 is still ready to keep his wife the complainant and children with full dignity and respect, if, she ready to live as wife.”

In view of the stand of the petitioner, notices were issued to the complainant vide order dated 14.03.2016. In view of the office note dated 27.07.2016 since ordinary process of notice has been received by the counsel appearing on behalf of opposite party no. 2 before the learned court, the notices issued to opposite party no. 2 treated to be deemed valid service. Today also none is appearing on behalf of opposite party no. 2.

Considering the present stand of the petitioner no. 1 that he is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 14 of the petition, let the above named petitioners be released on anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate,

Madhepura in connection with Complaint Case No. 722 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complainant to resume the conjugal life. If the complainant files such an application before the learned court below then petitioner no. 1 will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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