

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13857 of 2016

Arising Out of PS.Case No. -801 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Md. Mobin Son of Md. Muslim resident of Village- Khara, P.S.-
Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kudaratan Nisha wife of Md. Mobin, resident of Village- Khara, P.S.-
Madhubani, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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

2 29-03-2016 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 498A, 380, 341, 147, 323/34 of the Indian Penal Code.

The basic accusation is of torture after 16 years of marriage. Though the learned Additional Sessions Judge-VII, Madhubani disposed of the application that anticipatory bail



application of the petitioner and directed the petitioner to appear before the learned court below and seek regular bail. It is further submitted that the petitioner admits marriage with the complainant and he is ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

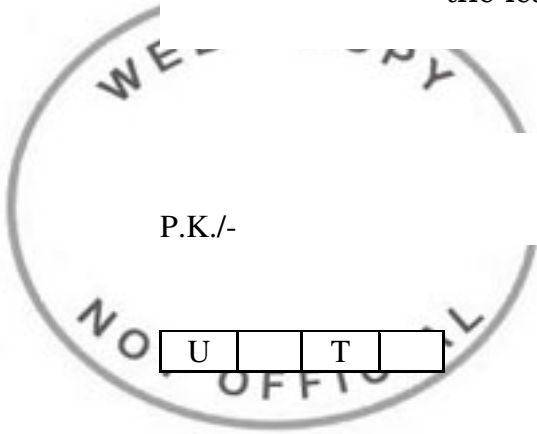
“That petitioner is husband of the opposite party no. 2 and he is ready to keep his wife with all respect.”

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 Vikash Jha, J.M., Ist Class, Madhubani in connection with Complaint Case No. 801 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)