

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13984 of 2016

Arising Out of PS.Case No. -689 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

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Md. Irshad @ Md. Irsad @ Md. Irasad son of Md. Salamuddin, resident of
Village-Balchanda, P.S.-Kursakanta, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sajina, wife of Md. Irshad, daughter of Late Md. Siraz, resident
of Balchanda, P.S.-Kursakanta, District-Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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 the complaint was filed in the year 2012 but order of cognizance was passed by learned Sub-Divisional Judicial Magistrate, Araria vide order dated 08.05.2015. The petitioner 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 17 of the petition which reads as follows:-

“That the petitioner is yet

ready to keep the complainant with full love and dignity”

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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 689 of 2012.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner 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 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.

(Dinesh Kumar Singh, J)

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