

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14629 of 2016

Arising Out of PS.Case No. -3786 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Kabir, Son of Md. Farooque Resident of Sadhubaili, P.S. Kasba,
District – Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Gulshan Khatoon, Daughter of Md. Sajjad, Resident of Sadhubaili,
P.S. Kasba, District – Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. R.S.Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 04-04-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the

complainant is apprehending his arrest in a complaint case wherein

process has been directed to be issued after cognizance being

taken for the offences punishable under Sections 498A/34 of the

Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant and the children

with full dignity and honour. The petitioner has filed Matrimonial Suit No. 720 of 2014 for restitution of conjugal rights, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That no manner of occurrence as alleged has ever taken place, as the petitioner is still ready to keep the complainant with him as a duly wedded wife with full honour and dignity, but it is the complainant who does not want to live with the petitioner and that’s why on 13.10.14 he has to file a T.S. No. 720/2014 before the Principal Judge, Family Court, Purnea for restitution of conjugal rights but it is the complainant who does not want to live with the petitioner.”

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 Sub-divisional Judicial Magistrate, Purnea in connection with Complaint Case No. 3786 of 2014, 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)

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