

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13462 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -MAHILA P.S. District- BANKA

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Md. Harun @ Md. Harun Ansari, Son of Abdul Rajak Ansari @ Abdul Rajjak, Resident of Village- Lauabandh , Police Station- Dhoraiya, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Najini Khatoon, daughter of Kyuam Ansari, Resident of Village- Singarpur, Police Station -Dhoraiya, district Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

For the Opposite Party/s : Mr. Satyendra Nr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-08-2016 Heard learned counsels for the petitioner and the State.

However, none is appearing on behalf of opposite party no.2.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 354, 307, 323, 341, 504 and 34 of the Indian Penal Code.

Basic accusation is of torture. It is specifically alleged against the petitioner that he assaulted the informant.

It is submitted by learned counsel for the petitioner that the injury has been found to be superficial and simple in nature. The petitioner admits his marriage with the informant and he is ready to keep her as wife with full dignity and honour. A

statement to that effect has been made in paragraph no. 13 of the petition, which reads as under :-

"That the petitioner is ready to keep his wife with due care and love."

This Court vide order dated 04.04.2016 issued notices to opposite party no.2 for her appearance but the office note dated 16.06.2016 reflects that the opposite party no.2 has left her place of residing without informing to anyone. Thereafter, vide order dated 20.06.2016 fresh notices were issued to her but the office note dated 17.08.2016 reflects that the house was found locked hence, house service of notice was effected on opposite party no.2.

Under the circumstances let the notices issued to opposite party no.2 be treated validly served.

Keeping in view of the present stand of the petitioner as stated in paragraph no.13 of the petition, let the above named petitioner be released on anticipatory bail provisionally for two months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Banka, in connection with Banka Mahila P.S. Case No.48/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the fact that the informant has not received any grievous injury, but if it is found that the informant has received grievous injury, then the petitioner will surrender and pray for regular bail.

The present order will not preclude the informant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Ashwini/-

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