

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17025 of 2016

Arising Out of PS.Case No. -563 Year- 2014 Thana -SUPAUL District- SUPAUL

Md. Atikullah @ Md. Atik son of Md. Ali Ahmad,
..... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sahni D/o Md. Mustafa
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-04-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 494, 406, 379, 504, 120B and 34 of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her with dignity and honour. Earlier the informant filed Complaint Case No.509 C/2010 wherein processes has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379 of the Indian Penal Code.

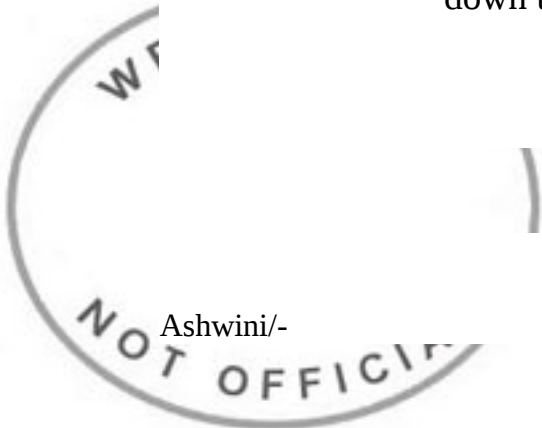


The petitioner was granted provisional anticipatory for one year in the earlier complaint case vide Criminal Miscellaneous No. 26293 of 2012 on readiness to keep the complainant as wife with full dignity and honour. The provisional anticipatory was to be confirmed by the learned Court below in three eventualities, if the matrimonial harmony is restored substantially within one year or the wife deliberately refused to reside with the petitioner or she fails to appear before the learned court below.

Learned counsel for the petitioner further submits that the provisional anticipatory bail was confirmed by the learned Court below since the complainant refused to reside with the petitioner, which reflects from the order dated 09.04.2014 passed by learned SDJM, Supaul, the same has been brought on record as annexure-3 to the petition.

Considering the fact that the petitioner was granted provisional anticipatory bail in earlier complaint case, let the above named petitioner be released on anticipatory bail, 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 CJM, Supaul in connection with

Supaul P.S. Case No.563/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.



Ashwini/-

(Dinesh Kumar Singh, J)

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