

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18471 of 2016

Arising Out of PS.Case No. -3164 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

=====

Md. Zubair Alam @ Md. Zubair @ Zubair son of Md. Mahfuz
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that 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 16 of the petition which reads as follows:-

“That the petitioner is yet ready to keep the complainant with full love and dignity.”

It is further submitted that at earlier point of time the

petitioner filed Matrimonial Suit No. 42 of 2012 for restitution of conjugal right but after restitution of conjugal right, the complainant deserted the petitioner as a result the matrimonial suit got dismissed when again the petitioner filed Matrimonial Suit NO. 730 of 2014 for restitution of conjugal right. It is further submitted that the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st Class, Araria in connection with Complaint Case No. 3164C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue. The provisional bail of the petitioner will not be confirmed if any substantive proof comes that the petitioner has performed second marriage and in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--