

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21515 of 2016

Arising Out of Complaint Case No. -388 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Firoz son of Md Abul Khair

.... Petitioner/s

Versus

1. The State of Bihar
2. Shaheen Praveen wife of Md Firoj Ansari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016 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 accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"That the petitioner is husband of the complainant and the petitioner is ready to keep his wife with full honour and dignity."

Though, the impugned order reflects that the complainant is ready to reside with the petitioner but the petitioner refused to keep her as wife.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months 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 Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Complaint Case No.388 C/2015, 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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