

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37752 of 2015

Arising Out of PS.Case No. -1864 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Md. Irshad Khan Son of Md. Rakim Khan Resident of village - Fatehpur,
P.S. Sonebarsa, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Tabassum Akhtar Wife of Md. Irshad Khan and daughter of Md. Akhtar
Raza Khan @ Phul Mohammad Khan resident of village - Khutauna, P.S.
Malangwa, District - Sarlahi (Nepal)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Harendra Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

8 04-10-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It appears from order dated 27.8.2015 that it was initially submitted that both the petitioner and the complainant decided to part ways in pursuance to a reconciliation proceeding though this court issued notice to



O.P. No. 2. Thereafter, on the joint prayer of the parties, vide order dated 5.4.2016 the matter was referred to the Mediation Centre of State Legal Services Authorities. The report of the Mediator at Flag A reflects that the matter could not be resolved through the process of mediation, thereafter the matter was adjourned on the joint prayer of the parties to resolve the issue between the parties out side the court. Thereafter the matter was adjourned on 4.8.2016 and 6.9.2016.

It is submitted by learned counsel for the petitioner that the complainant is now residing with the petitioner. However, learned counsel for the complainant submits that he has no instruction from the complainant.

Considering the above facts, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar, Sitamarhi in connection with Complaint Case No. CI-1864 of 2013 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 getting it verified after giving notice to the complainant that she has reconciled the issue.



(Dinesh Kumar Singh, J)

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