

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40532 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Imran Ansari Son of Sarif Mian @ Sarif Ansari resident of Bhatwaliya,
P.S.- Majhauria, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aasama Khatoon @ Aajam Khatoon wife of Imran Ansari, Daughter of
Rafique Ansari resident of Village- Satvirwa, P.S.- Majhauria, District-
West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a female child. The petitioner is ready to keep the informant and the child with dignity. A statement to that effect has been made in para 5 of the petition which reads as follows:-

“That the petitioner has love
and affection with his wife and daughter petitioner is
ready to keep and maintain his wife.”

It is further submitted that petitioner has

filed Matrimonial Case No. 24 of 2015 under Section 281 of the Mohammedan Law for the restitution of the conjugal life.

It appears from the impugned order that the reconciliation failed since petitioner made no endeavor to get the issue reconciled.

Keeping in view of the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 59 of 2016.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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