

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42920 of 2015

Arising Out of PS.Case No. -3502 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Wajid Ali Rain @ Wajid Ali Son of Ashrafque Ahmad Rain, resident of
Aurai Tola Charpurva, P.O. Aurai, P.S. - Aurai, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulshan Khatoon @ Janisa Khatoon, W/o Wajid Ali, Resident of
Village - Aurai Tola Charpurva, P.S. - Aurai, District -Muzaffarpur,
presently residing at C/o Md. Shami, Village - Alinagar Levdan, P.S.-
Baligaon, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fahad Khurshid
For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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

3 08-02-2016 Heard learned counsels for the petitioner, complainant
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 Sections
498A,323,327 and 406/34 of the Indian Penal Code.

The basic accusation is of torture and making assault.

The petitioner and the complainant are present in court.
It is submitted by learned counsel for the petitioner that the
petitioner admits his marriage with the complainant and birth of
six children and is ready to keep the complainant as wife and

children with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“ That the petitioner has ever been and still ready to keep the complainant wife Gulshan Khatun with full honour and dignity.”

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is a bit apprehensive due to past conduct of the petitioner.

Both petitioner and the complainant agree to appear before the learned court below on 22.2.2016 when the petitioner will take the complainant to keep her as wife along with children with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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 CJM Vaishali at Hajipur in connection with Complaint Case No. 3502 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 in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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