

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44038 of 2015

Arising Out of PS.Case No. -3737 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

Md. Fayajuddin son of Md. Aenul Haque, Resident of village- Paru
Manjhauliya (Dachani Tola), P.O. & P.S.- Paru, Dist- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shahjahan Khatoon wife of Md. Fayajuddin, Resident of village- Paru
Manjhauliya (Dachani Tola), P.O. & P.S.- Paru, Dist- Muzaffarpur. At
present D/o Late Md. Rafik, Resident of village- Allahdadpur, P.O.-
Chakallahdad, P.S.- Vaishali, Dist- Vaishali.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 18-02-2016

Heard learned counsels for the petitioner and the
State.

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

Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That it is stated and submitted that the petitioner forgetting all bad day is ready to keep her wife with full respect and dignity.”

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below when the petitioner will take the complainant to keep her with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 3737 of 2012, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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