

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45317 of 2015

Arising Out of PS.Case No. -3589 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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Md. Mosawir @ Md. Maswar @ Shabbir @ Munna S/o Md. Azimuddin
resident of village- Kursail, P.S.- Mahalgaon (Jokihat), District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Mahruwa W/o Md. Maswa, D/o Late Jalal Resident of village
Kursail, P.S. Mahalgaon, District- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

06/ 18-08-2016

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 on 05.09.2013 and birth of a female child on
10.02.2014. It is submitted further submitted that the petitioner is

ready to keep the complainant as wife with full dignity and honour, though, statement to that effect has not been made in the petition

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner despite of the fact that the cases under Domestic Violence Act and Matrimonial suit are pending between the parties.

Both sides agree to appear before the learned court below on 19th of September, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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 Sub-divisional Judicial Magistrate, Araria in connection with Complaint Case No. 3589C of 2013, 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 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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