

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31927 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Mikail @ Mikail, Son of Late Md. Israil, Resident of Village-
Shahidganj, Police Station- Bhawanipur, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar.

2. Nasrin Kamar, Daughter of Md. Kamrul Hoda @ Ladu, Wife of Md.
Mikail @ Mikail, Resident of Village- Chaphari, Police Station- Rupauli,
District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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

ORAL ORDER

2 01-08-2016

Heard learned counsel for the parties.

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 the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and she gave to a male child. The petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 17 of the petition. It is further submitted that the petitioner filed Matrimonial Suit No. 127/2015

on 26.10.2015 for restitution of conjugal rights and after notice being issued the present complaint case has been filed on 29.1.2016.

Considering the present stand of the petitioner, let the abovenamed 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in Complaint Case No. 51/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

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, (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Surendra/-

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