

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27600 of 2016

Arising Out of PS.Case No. -15893 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

Md. Shahjahan Alam @ Shahjahan Alam son of Md. Shamsul
..... Petitioner/s
Versus

1. The State of Bihar.
2. Rashida Khatoon wife of Shahjahan Alam, Daughter of late Md. Jabbar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Mr. Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending 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.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. Though, the petitioner has given divorce to the complainant as per Muslim Law but he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been

made in para 10 of the petition which reads as follows:-

"10. That although the petitioner has claimed to have divorced her on account of rude/careless behaviour yet the petitioner is willing to keep her as wife with all dignity, honour and respect..."

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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Begusarai, in connection with Complaint Case No.15893/2014, subject to the conditions as laid down under Section 438(2) 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 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)

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