

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28818 of 2016

Arising Out of Complaint Case No. -726 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Md. Kalim s/o - Md. Eshak

.... Petitioner/s

Versus

1. The State of Bihar.

2. Munni Khatun w/o - Md. Kalim daughter of Md. Yunush

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016

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 Sections 147, 323, 379, 406, 498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It appears that the learned Sessions Judge has disposed of the anticipatory bail application of the petitioner since only the summons were issued.

It is submitted by learned counsel for the petitioner that only bailable warrant has been issued. It is further submitted that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife

with full dignity and honour along with the children. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"That the petitioner is still ready to keep her with full dignity and prestige and the petitioner is a very poor man and he is labour."

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

Both sides agreed to appear before the learned court below on 17th August, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders or appears on 17th August, 2016 in connection with Complaint Case No.726/2012, pending before the learned ACJM-IV, Rosera, Samastipur.

It is made clear that if on 17th August, 2016, the petitioner appears but the complainant fails to appear then the learned Court below grant provisional anticipatory bail to the petitioner which will be confirmed after the issue get reconciled between the parties or the complainant gets reluctant to reconcile the issue.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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