

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29892 of 2016

Arising Out of PS.Case No. -1683 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Raghib Iqbal S/o Late Abdul Jalil

.... Petitioner/s

Versus

1. The State of Bihar
2. Mehar Nigar W/o Raghib Iqbal D/o Sikandar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-07-2016 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 Sections 498A and 406 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 and 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:-

"That the petitioner is always ready to keep her with full respect and dignity which she deserves."

It is further submitted that the petitioner has filed Matrimonial Suit No.475/2015 for restitution of conjugal life. Similar was the stand of the petitioner before the learned Court below.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Judicial Magistrate, 1st Class, Purnea, in connection with Complaint Case No.1683/2015, 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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