

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29358 of 2016

Arising Out of Complaint Case No.. -868 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Salim @ Sonu S/o Md. Anwar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farhat Khatoon D/o Md. Israyal @ Bholi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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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 498A of the Indian Penal Code.

The accusation is of torture. It is also claimed that the complainant, in intoxicated condition, gave divorce to the complainant as per Muslim rites.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and denies the factum of divorce as per Muslim rites. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

"That the petitioner is ready to keep her wife and daughter with full dignity and honour."

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, Barh, Patna, in connection with Complaint Case No.868C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below after giving one opportunity to the complainant to reconcile the issue. However, if the complainant fails to appear before the learned Court below, on being issuance of notice, or on appearance, she gets reluctant to reconcile the issue, in that eventuality also the provisional anticipatory bail of the petitioner will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

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