

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33797 of 2016

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Md. Rizwan Son of Abdul Gaffar Resident of village/Mohalla -
Bindeshwari Compound Azad Road Chandwara, P.S. Town, District -
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Reshma Khatoon W/o Md. Rizwan, D/o Taukir Ahmed art present R/o
New Colony Mithanpura Chowk, P.S. Mithanpura, District -
Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 25-11-2016

Heard learned counsels for the petitioner, State
and the informant-opposite party no.2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 341, 323, 325, 504 and
506 of the Indian Penal Code.

The basic accusation is of torture and making
assault. It is specifically alleged that due to the assault made by the
petitioner the father of the informant received fracture injury.

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. It is further that the petitioner is still ready to keep the complainant/informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition, which reads as follows:-

“That the petitioner is quite innocent and still ready to keep his wife with all dignity and honour in a rented house away from the parents of both the sides.”

It is also submitted that the father of the informant has not received any serious injury.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 2nd of December, 2016 when the petitioner will take the informant and children to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-VII –cum- A.C.J.M., Muzaffarpur in connection with Mahila P.S. Case No. 45 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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