

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30555 of 2016

Arising Out of PS.Case No. -1296 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Md. Saleem Son of Late Md. Saheed @ Gonar, resident of Nemua Punarbas
P.S. & District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Mosararat Praween wife of Saleem, daughter of Late Md. Jahirul Haque, resident of Nemua Punarbas, P.S & District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.
For the Opposite Party/s : Mr. Sri Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-08-2016 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 has been taken for the offences punishable under Sections 498A and 307 of the Indian Penal Code.

The basic accusation is of torture and attempting to kill the complainant by causing burn injury.

It is submitted by the learned counsel for the petitioner that there is nothing on record to suggest that any burn injury was caused to the complainant. The petitioner admits his marriage with the complainant and birth of a child and is ready to keep them with

full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with all respects and dignity”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

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 CJM, Supaul in connection with Complaint Case No. 1296C of 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 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities (i) if

the matrimonial harmony is substantially restored (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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