

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41532 of 2016

Arising Out of Complaint Case No. -1192 Year- 2014 Thana -COMPLAINT CASE District-
ARRARIA

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Md. Tanweer Alam Son of Md. Sahabuddin

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Umati daughter of Late Akbar Ali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2016

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 Section 498A 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 husband of the complainant and always ready to keep her with full honour, dignity, love,

affections and all desirous."

It is further submitted that similar was the stand of the petitioner before the learned Court below, though, the impugned order does not reflect this stand of the petitioner as the learned Sessions Judge failed to record the same.

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, Araria, in connection with Complaint Case No.1192C/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. 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)