

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43732 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Mustaque S/o Late Abdul Barik resident of Village Garha, P.S. Pupri
District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabnam Bano W/o Md. Mustaque C/o Md. Mansur at Present residing
at Village Pathanpura P.S. Sursand District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.
For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture after 18 years of marriage.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is the husband of the complainant and always ready to keep her with all respect and dignity...”

It appears that initially the petitioner was not ready to keep the complainant as wife which gets reflected from the impugned order but it is submitted that now the petitioner is ready to keep the complainant as wife with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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, Pupri at Sitamarhi in connection with Complaint Case No. C1-342 of 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 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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