

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40626 of 2016

Arising Out of PS.Case No. -290 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Mojammil Sah, son of Moquim Sah, resident of Village-Gaiyari, P.S. & District-Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Nubahar, wife of Mojammil Sah, daughter of Md. Farukh, resident of Village-Jagata Kharsahi, P.S.-Raniganj, District-Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 16 of the petition which reads as follows:-

“That the petitioner was/is
yet ready to keep maintain the complainant as his
wife.”

Considering the present stand of the

petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No. 290C of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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