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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.543 of 2016

Arising Out of PS.Case No. -1204 Year- 2015 Thana -VAISALI COMPLAINT CASE District-VAISHALI(HAJIPUR)

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1. Mohammad Tahir Son of Noor Mohammad, Resident of Village-Rajapakar, P.S.- Raja Pakar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajbul Khatoon, Daughter of Mohammad Sharif, Resident of Village Sondho Mubarak, P.S.- Goraul, District- Vaishali.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anish Chandra
For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-01-2016 Learned counsel for the petitioner is permitted to make necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner

admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition which reads as follows:

"That the petitioner is ready to keep his wife with full honour and dignity. "

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Vaishali at Hajipur in connection with Complaint Case No. 1204 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 and 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 the learned court below in three eventualities – (i)

if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)

Anil/-

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