

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40315 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

1. Md. Zulfikar @ Zulfikar Hussain son of Md. Hashim Resident of Village-Chokta, Police Station-Mahalgaon, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar

2. Bibi Shabnam Wife of Md. Zulfikar @ Zulfikar Hussain, daughter of Abdus Shakoor Resident of Village-Bhuna, Police Station-Mahalgaon (Jokihat), District-Araria

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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 birth of a female child. The petitioner is ready to keep the complainant and the child with dignity. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is husband and ready to keep his wife with full honour and dignity.”

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner as at earlier point of time the petitioner, on the basis of swearing an affidavit the petitioner took the complainant to her matrimonial house and started inflicting torture.

Both sides agree to appear before learned Court below on 3rd of October, 2016 when the petitioner will take the complainant and the child to her matrimonial house to keep them with dignity and honour.

Considering the present stand of the parties, 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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 214C of 2015.

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.

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(Dinesh Kumar Singh, J)