

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37846 of 2016

Arising Out of PS.Case No. -1796 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Mumtaz Mian @ Mumtaz

.... Petitioner/s

Versus

1. State of Bihar,
2. Husna Khatoon

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-08-2016

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. At earlier point of time also the complainant filed Complaint Case No. 1893 of 2011 levelling accusation under sections 323,379 and 498A IPC and sections 3 and 4 of Dowry Prohibition Act as well as Sugauli P.S. Case No. 327 of 2014 making accusation under sections 307,328,406,420 and 498A IPC but both the cases ended into

compromise when both the sides agreed to reside together. Thereafter the present complaint has been lodged. On instruction it is submitted that the petitioner 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 it is most respectfully submitted that the petitioner is even now ready and willing to keep the opposite party no. 2 if she is ready to lie peacefully with the petitioner. ”

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 ACJM 14, Motihari, East Champaran in connection with Complaint Case No. 1796 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.

(Dinesh Kumar Singh, J)

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