

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47206 of 2016

Arising Out of PS.Case No. -869 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Md. Faisal

.... Petitioner/s

Versus

1. State of Bihar
2. Bibi Maishar Jahan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-10-2016

Heard learned counsels for the petitioner,

complainant 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 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner admits his marriage with the complainant. On instructions, 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 7 of the petition which reads as follows:

“That, in spite of all these happenings the petitioner is still ready resume the conjugal life and to keep

the complainant with all honour, affection and dignity and same pleading has been advanced before the learned Court below.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 21.11.2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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, Araria in connection with Complaint Case No. 869C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.



Anil/-

(Dinesh Kumar Singh, J)

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