

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26410 of 2016

Arising Out of PS.Case No. -683 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

Akbar Hussain @ Akbar Alam @ Md. Akbar Ali Son of late Unus,
Resident of Vilalge- Mauja bari Demarket, Police Station- Kochadhaman, in
the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tajkera, W/o Akbar Hussain@Akbar Alam@Md. Akbar Ali, D/o Md.
Sultan Resident of Village- mauja, Bari Demarket Police Station-
Kochadhaman, in the district of Kishanganj at Present Resident of Village
Kaddubhitha, Police Station0 Kochadhaman, in the district of Kishanganj.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy (APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 02-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner filed Complaint Case No. 448C of 2015 levelling accusation under Sections 323, 341, 379, 380, 406, 504, 497 and 506 of the IPC against the complainant since the she had illicit relationship with someone else and thereafter the present

complaint has been filed. It is further submitted that the petitioner has given talak to the complainant as per the Muslim rites in presence of the witnesses.

Learned counsel for the complainant disputes the factum of divorce and is ready to resume the conjugal life.

Considering the nature of dispute, let the above named petitioner be released on provisional anticipatory bail for six months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Kishanganj in connection with Complaint Case No. 683C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry with regard to factum of divorce and if the learned court below comes to a prima facie conclusion that the petitioner has actually given divorce to the complainant then the provisional bail of the petitioner will be confirmed by the learned court below but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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