

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2211 of 2016

Arising Out of PS.Case No. -951 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Shamsher Alam S/o Jasimuddin @ Jasimuddin Khan @ Jasmuddin @
Jasmuddin Khan Resident of Village - Sone Khap, P.S. - Sherghati, District
- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabina Parveen @ Heena D/o Abdul Rahman @ Rahman Mian Resident
of Ali Anagar, Tikari Road, Aurangabad, P.S. - Aurangabad Town, District
- Aurangabad, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushotam Sharma

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 25-01-2016

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A and 379/34 of the Indian Penal Code.

The basic accusation is of torture.

Counsel for the petitioner submits that the
petitioner admits the marriage with the complainant and is ready
to keep the complainant with dignity and honour. Statement to

that effect has been made in paragraph 11 of the petition, which reads as follows:- “That the petitioner is ready and willing to keep his wife with full dignity without any condition.” Though, in maintenance proceeding ex-parte order has been passed.

Learned counsel for the petitioner does not dispute that the processes under Sections 82 and 83 of the Cr.P.C. have already been issued.

The learned Sessions disposed of the anticipatory bail application of the petitioner on the ground that only summons have been issued in view of the ratio laid down in the case of Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar and Another reported in 2015(3) PLJR, 806 (Cr. Misc. No. 51075 of 2014.

Learned counsel for the complainant submits that the processes under Sections 82 and 83 of the Cr.P.C. have been issued.

Considering the fact that the processes under Sections 82 and 83 of the Cr.P.C. have already been issued, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner in view of the present

stand of the petitioner that he is ready to keep the complainant with dignity and honour, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 951 of 2014 pending in the court of learned Chief Judicial Magistrate, Aurangabad.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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