

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4758 of 2016

Arising Out of PS.Case No. -3727 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

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Jamshed Alam Son of Habib, Resident of Village - Mainapur, P.S. -Araria,
District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rahamati, Wife of Jamshed Alam, Daughter of Mosim, Resident
of Village - Chamanpur, Police Station- Jokihat, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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

03/ 17-05-2016

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
process has been 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 the petitioner admits his marriage with the
complainant and is ready to keep the complainant as wife with full
dignity and honour, statement to that effect has been made in

paragraph 7 of the petition, which reads as follows:-

“That, admittedly the complainant is legally wedded wife of petitioner and he has fully aware his legal and social duty, responsibility and obligation to maintain and take proper care of complainant as well as still ready and always tried his best to keep the complainant and resume his happy conjugal life and always assured the complainant to give her all dignity, love & affection as a wife desire and the same plea has also taken before the learned District & Sessions Judge, Araria..”

Though, accusation has been levelled in the complaint petition that the petitioner has performed second marriage but cognizance has not been taken under Section 494 of the Indian Penal Code.

Notices were noticed to the complainant-opposite party no. 2 vide order dated 29.01.2016. The office note dated 16.05.2016 reflects that ordinary process of notice has been received by opposite party no. 2 personally but none have appeared on behalf of opposite party no. 2.

On instruction it is submitted by learned counsel for the petitioner that opposite party no. 2 has performed second marriage but no statement has been made in the petition.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a

period of twelve weeks from today, on furnishing bail bonds 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. 3727C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present order, in no way, will preclude the complainant to resume conjugal life. If such application is filed by the complainant before the learned court below then the complainant will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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