

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5197 of 2016

Arising Out of PS.Case No. -77 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Md. Shamshul son of Late Najib, Resident of village- Balthi, P.S.- Bheja,
District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Samida Khatoon, Wife of Md. Shamshul and Daughter of Md. Jafir,
Resident of village- Dhamsain, P.S.- Bahera, (Ali Nagar), District-
Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. Smt. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2016 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 Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted 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 the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That petitioner is the husband of the complainant (Opposite Party No. 2) and he is ready to keep his wife (complainant) with full honour and dignity. ”

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 JM Ist Class, Benipur, Darbhanga in connection with Complaint Case No. C.R. Case No.77 of 2013 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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