

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13557 of 2016

Arising Out of PS.Case No. -1054 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Nazir Ansari			Petitioner/s
	Versus		
State of Bihar & Anr			Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s : Mr. Abhay Kumar Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner admits 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 no. 8 of the petition which reads as follows:

“8. That, it is very much important to be considered in this case for the better determination of the case that in spite of some misunderstanding of the complainant the present petitioner is still willing to keep her with full human dignity if she come to him with open and fit mind.”

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 Sri R. K. Singh, learned JM 1st class, Bagaha, West Champaran in connection with trial No. 3417/2015 arising out of Complaint Case No. 1054/2013 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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