

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12560 of 2016

Arising Out of PS.Case No. -2371 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Sajjad Hasan, son of Alauddin, resident of Jadiya, P.s.-Jadiya, District-
Supoul

.... Petitioner/s

Versus

1. The State of Bihar
2. Afreen Khanam, wife of Sajjad Hasan, daughter of Late Fasi Ahmad, resident of Mahboob Khan Tola, P.S.-K. Hat, District-
Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan
For the Opposite Party/s : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 54 of 2015 for the restitution of conjugal rights. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is the

husband of complainant/Opposite Party No. 2 and he is always ready to keep her with full respect and dignity which she deserves.”

Considering the aforesaid stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea in connection with Complaint Case No. 2371 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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