

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14209 of 2016

Arising Out of PS.Case No. -1676 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Md. Ali son of late Md. Musha resident of village Jagdar, P.S. - Parihar,
District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasrin Khatoon wife of Arshad Ali and daughter of Wazul Haque
resident of village - Jagdar, P.S. - Parihar, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2016

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 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is
always ready to keep the opposite party No. 2 with
full dignity and honour. But opposite party No. 2 is

adamant not to join the matrimonial house willfully
deserted the petitioner without any just and cogent
reason.”

It is further submitted that similar was the stand of the petitioner before learned Court below and the offer was accepted by the complainant when learned Sessions Judge disposed of the application and directed the complainant to appear before learned Magistrate but the complainant failed to appear before learned Court below. A statement to that effect has been made in para 10 of the petition.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 29th of August, 2016, when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C1/1676 of 2015.

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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