

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21468 of 2016

Arising Out of Complaint Case No. -627 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Kasim Azad son of Mhd. Isarail.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Phuljaha wife of Mhd. Kasim Azad daughter of Mhd. Aas Mohamad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant in 2002. Since there were no issue from the wedlock, hence, with consent of the complainant, the petitioner performed second marriage and there are four children from the wedlock. However, the petitioner is still ready to keep the complainant as

wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

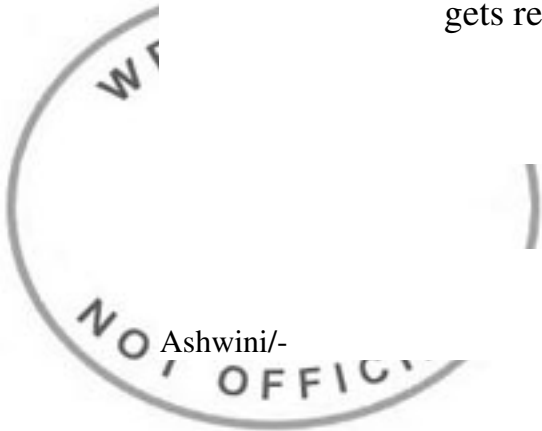
"That it is stated that the petitioner is ready to live with complainant with full respect and dignity..."

Considering the present stand of the petitioner and keeping in view of the fact that the complaint was filed in 2012, let the above named petitioner be released on provisional anticipatory bail for four months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Complaint Case No.627/2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to

appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)

Ashwini/-

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