

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44508 of 2015**

Arising Out of PS.Case No. -602 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Raja @ Shakil Ahmad Son of Md. Mustaque

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Aamna Khatoon Wife of Raja @ Shakil Ahmad, Daughter of Mojibur Rahman

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ambika Bhagat

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4 15-03-2016

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.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant but the complainant concealed that earlier she performed marriage with three other persons and the petitioner is the fourth husband of the complainant and marriage with the other husbands has not been dissolved.

It is submitted by learned counsel for the complainant



that the complainant performed marriage only with one Md. Manazir Ansari, prior to marrying the petitioner, and the earlier marriage has already been dissolved, as per Muslim rituals, which gets reflects from the compromise petition filed in Complaint Case No.1062 of 2005 against her first husband. The same has been brought on record as annexure C/B of the counter affidavit filed on behalf of opposite party no.2. The complainant claims that she has a female child after marriage with the petitioner.

The birth of female child is not being denied by the petitioner. However, the petitioner claims that there is another female child from the other husband namely Saniya Khatoon but that fact has also been concealed by the complainant.

However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. Though, statement to that effect has not been made in the petition.

On instruction, learned counsel for the complainant submits that the complainant accepts the offer of the petitioner.

Considering the present stand of the parties, 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 ₹10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No.602C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 5<sup>th</sup> April 2016 when 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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