

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34023 of 2016

Arising Out of PS.Case No. -1818 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Md. Parwej son of Maharum Ahmad Mian.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

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 has been taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition, relevant portion of the same reads as follows:-

“That it is submitted that the petitioner is husband of the complainant and is always ready to keep the complainant with all respect as a wife.....”



It is further submitted that similar was the stand of the petitioner before the learned court below but during mediation the complainant declined to accept the offer of the petitioner but the learned Sessions Judge has not recorded the respective stand of the petitioner and the complainant though both have appeared before the learned Sessions Judge which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 CJM, Gaya in connection with Complaint Case No. 1818 of 2015, 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 when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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