

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30022 of 2016

Arising Out of PS.Case No. -3032 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Abdul Kudus son of Late Islam Miyan resident of Village- Hasanpura, P.S.- Marhowrah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rojidan Khatoon wife of Abdul Kuddus, D/o Idris Miyan Resident of Village- Narsingh Patti, P.S.- Manour, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2016

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 on instruction 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 9 of the petition which reads as follows:-

“That, the petitioner is still ready to live with the complainant and give her all respects which she commands.”

It is further submitted that similar was the

stand of the petitioner before learned Court below and the matter was sent to the Mediation also by the learned Court below but the issue could not be reconciled.

Considering the present stand of the petitioner and keeping in view of the fact that complaint was filed in 2013, 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 six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran, Chapra in connection with Complaint Case No. 3032 of 2013, Trial No. 1783 of 2016.

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 six months (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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