

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28462 of 2016

Arising Out of PS.Case No. -1200 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Rustam, Son of Late Ajaj, Resident of Village- Khikhivani, P.S.- Dagrua,
District- Purnea. Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon, Daughter of Sheikh Kadir, Wife of Rustam, Resident of
Village- Khakhivani, P.S.- Dagrua, District- Purnea Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjay Kr. Singh

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

=====

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

ORAL ORDER

2 12-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Sections 498A, 323 of the
Indian Penal Code.

The basic accusation is of torture.

The petitioner admits marriage with the complainant.
On instructions, it is submitted that the petitioner is ready to keep
the complainant as wife with full dignity and honour. Statement to
the aforesaid effect has been made in paragraph no. 8 of the
petition which reads as follows:

*“8. That the petitioner is ready to
keep the complainant with full dignity.”*

It is further submitted that petitioner filed Title Suit No.
98 of 2015 for restitution of conjugal rights. Similar was the stand

of the petitioner before the court below but the complainant refused to accept the offer of the petitioner.

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Complaint Case No. 1200 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

BKS/-

U		T	
---	--	---	--