

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30552 of 2016

Arising Out of PS.Case No. -2313 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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Anwar Ali @ Anwar Khan @ Amwar Ali son of Late Abdul Gaffar Khan,
Resident of Nai Bazar near Bari Masjid, P.S Bhagwan Bazar, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shabana Khatoon @ Rani, W/o Anwar Ali @ Anwar Khan, D/o
Shamsher Khan, At present Resident of Village- Raghupur, P.S. Garkha,
District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Choubey, Adv.

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-08-2016

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 Section 498A 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 8 of the petition which reads as follows:-

“That it is also submitted that the petitioner is ready

to keep the complainant with full respect and dignity”

It is further submitted that similar was the stand of the petitioner before the learned court below 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 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 JM, 1st Class, Chapra in connection with Complaint Case No. 2313 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.

Amrendra/-

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(Dinesh Kumar Singh, J)

