

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48159 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -KASBA District- PURNIA

=====

1. Md. Saheb Ali @ Md. Saheb son of Md. Saidur Rahman, Resident of
village- Lal Bihari, P.S.- Kasba, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Minara Khatoon Daughter of Md. Anwar Hussain, Resident of
Pakartakia, P.S. Kasba, District- Purnea

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Satyaverat Verma(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-03-2016 Though the matter has been listed under the heading for orders on office notes due to non service of notice to opposite party no. 2.

Learned counsel for opposite party no.2 has entered appearance and the matter is taken up on merits.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 406 of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

On instruction learned counsel for the petitioner admits performance of marriage with the informant and birth of

three children. Though the petitioner has performed second marriage also, but even then the petitioner is ready to keep the informant as wife with full dignity and honour and had also filed Matrimonial Suit No. 65 of 2015 for restitution of conjugal right. Statement to that effect has been made in para-13 of the petition which reads as follows:-

“That it is relevant to state here that the petitioner never neglected the informant. He always gave love and affection to the informant and children. But the informant refused to live in her in-laws house, then the petitioner on 2.6.2015 filed a Title Suit No. 65 of 2015 in the Court of learned Principal Judge, Family Court, Purnea for restitution of conjugal right.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner. The petitioner is present in the Court.

Both the petitioner and informant agree to appear before the learned court below on 11th of April, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with

Kasba P.S. Case No. 160 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

P.K./-

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