

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36429 of 2016

Arising Out of COMPLAINT CASE No.-1575 Year- 2013 District- SARAN

=====

Md. Salauddin Son of Late Badri Mian resident of village- Khanpur Berai,
Bishambharpatti, P.S.- Hathauri, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shah Jhan W/o Md. Salauddin, D/o Alabul Mian resident of Village-
Khanpur Berari, Bishambharpatti, P.S.- Hathauri, District- Muzaffarpur, at
present R/o Village- Rampur Birbhan, P.s.- Garkhan, District- Chapra,
Saran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016 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 7 of the petition which reads as follows:-

“That the petitioner is the husband of the

complainant and he is ready to keep his wife with full dignity, love and affection.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant declines to accept the offer of the petitioner alleging that the petitioner has performed second marriage, though, a statement has been made in para 9 of the petition that the petitioner has not performed second marriage, which reads as follows:-

“That the petitioner further submitted that he never been solemnized second marriage with another lady it has been falsely been alleged.”

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 SDJM, Chapra, Saran in connection with Complaint Case No. 1575 of 2013, 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/-

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