

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42881 of 2016

Arising Out of PS.Case No. -606 Year- 2012 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Md. Rustam @ Md. Rustam Ali Son of Md. Alimuddin Resident of
Village- Sabalpur PS Morkahi, District:Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar null null
2. Rukhsana khatoon Wife of Md. Rustam@Md. Rustam Ali, Daughter of
Md. Atabul Resident of Village: sabalpur, P.S. Morkahai, district Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 28-09-2016 Heard learned counsels for the petitioner and

the State.

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

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and

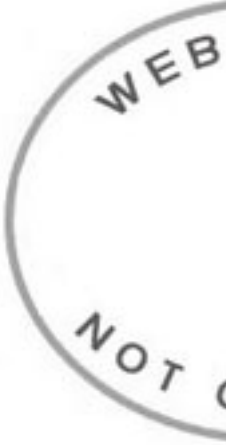
honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“ That the petitioner is ready to keep the Complainant (wife) with full respect and dignity.”

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 six 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 SDJM, Khagaria in connection with Complaint Case No. 606 C of 2012 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)

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