

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44643 of 2016

Arising Out of PS.Case No. -3025 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Md. Imran son of Rajabul @ Karu

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hena Praween daughter of Md. Nasimuddin.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2016

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

"That, the petitioner is the husband of the informant and always ready to keep her with full honour, love, affections

and all desires."

It is further submitted that the complainant herself deserted the petitioner, though the complaint was filed in 2014 but the process has been directed to be issued after cognizance being taken on 14.03.2016 whereas during pending of the complaint petition the complainant filed Jokihat P.S. Case No.325/2015, levelling accusation under sections 341, 323, 498A,34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act wherein the petitioner has been granted provisional anticipatory bail for six months by this Court vide order dated 10.03.2016 passed in Criminal Miscellaneous No.11914/2016 on readiness to keep the complainant as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e. (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) if the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue. In the present complaint case the cognizance has been taken after grant of provisional anticipatory bail to the petitioner in the aforesaid police case.

Considering that in the earlier case with similar

accusation the petitioner has been granted provisional anticipatory bail, let the above named petitioner be released on anticipatory bail 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, Araria, in connection with Complaint Case No.3025 C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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