

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40243 of 2016

Arising Out of PS.Case No. -9 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ayub Khan son of Aliullah Khan Resident of village - Sonadi, Police
Station - Bhaluani, District - Deoriya (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sahida Khatoon wife of Ayub Khan, daughter of Rahmat Ali Resident of
village - Sonadi, Police Station - Bhaluani, District - Deoriya (U.P.). At
present R/o Village - Rautari, Police Station - Bijaipur, District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case 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 11 of the petition which reads
as follows:-

“That the petitioner is throughout ready to keep the

complainant.....”

It is further submitted that at earlier point of time, complainant filed Bijaipur P.S. Case No. 35 of 2015 wherein the petitioner was arrested and he was granted bail by this Court vide Cr. Misc. No. 5070 of 2016.

It appears from the impugned order that the petitioner was granted bail by this Court on the statement that “*the petitioner being the husband of victim lady is ready to keep the victim along with her son with all respect and dignity and maintain all the affairs with full dignity and honour*” when notices were issued to the petitioner and the complainant for getting the issue reconciled but the petitioner deliberately chose not to appear.

Keeping in view the nature of dispute and statement made in para 10 of the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour, the application is disposed of with liberty to the petitioner to file another bail application before the learned Sessions Judge when the learned Sessions Judge will make effort to get the issue reconciled and consider the prayer for bail of the petitioner keeping in view of the fact that in earlier case the petitioner has already been granted bail.

In the meantime, let no coercive steps be taken against the petitioner for a period of four months in connection with C. Case No. 09 of 2014 pending in the court of learned JM, Gopalganj.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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