

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40174 of 2016

Arising Out of PS.Case No. -134 Year- 2016 Thana -PALASI District- ARRARIA

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Somar Khan S/o- Anfool Khan Resident of Village- Bansar, P.S.- Palasi,
District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Khajina Khatoon W/o- Somar Khan, R/o- Village- Bansar, P.S.- Palasi,
District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Adv.

For the Opposite Party/s : Mr. Sri Lalan Kumar, 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 informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 379 and 504/34 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 informant and birth of four children and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner is always ready to keep his wife with full dignity and respect.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ACJM, Araria in connection with Palasi P.S. Case No. 134 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance when the petitioner will take the informant 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 informant failed to appear or (iii) if the informant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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