

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27276 of 2016

Arising Out of PS.Case No. -1074 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Raja son of Nabi Hassan @ Md. Navi Hassan resident of Village-
Andhary, P.S.- Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madina Khatoon wife of Md. Raja D/o. Md. Sahid, resident of village
Pokharauni, P.S.- Rahika, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-07-2016 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 Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is husband of the opposite party no.2 and he is ready to keep his wife with all respect.”

The impugned order suggest that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner since only bailable warrant of arrest has been issued.

It is submitted by learned counsel for the petitioner that now non-bailable warrant of arrest has been issued, statement to that effect has been made in para 12 of the petition, though, date of issuance of non-bailable warrant of arrest has not been mentioned but if the non-bailable of warrant of arrest has been issued prior to 30.06.2016, the date of filing of present application, the petitioner is directed to 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 JM, 1st Class, Madhubani in connection with Complaint Case No. 1074 of 2015, 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. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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