

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5262 of 2016

Arising Out of PS.Case No. -320 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Aftab Alam son of Salamtullah, resident of Village- Bala Pokhare,
PO+PS- Deo, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shamsha Bano W/o Aftab Alam, D/o Abdul Rauf, at present resident of
Village+PO- Khiriwan, P.S.- Madanpur, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-02-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and birth of two children and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That petitioner is husband of
the complainant and the petitioner is ready to keep

her wife and children with full dignity and honour.”

It is further submitted that petitioner initially filed Matrimonial Suit No. 3 of 2013 for restitution of conjugal life but sometimes after resumption of the conjugal life the complainant again deserted the petitioner and thereafter the petitioner again filed matrimonial suit for restitution of conjugal life. It is also submitted that learned Sessions Judge has disposed of the application since petitioner has been summoned. Now non-bailable warrant of arrest has also been issued against the petitioner.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 320 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial

harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)