

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10064 of 2016

Arising Out of PS.Case No. -137 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Lal Mohammad S/o Late Jagan Miyan, resident of village- Hazipur,
P.S.- Raffiganj, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Shama Khatoon wife of Lal Mohammad, at present resident of village
Bham, P.O. Bham, P.S. Anti District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2016 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.

From the impugned order, it appears that petitioner's anticipatory bail application was disposed of since only summons have been issued. But, the statement has been made in para 5 of the petition that non-bailable warrants have been issued which reads as follows:-

“That it is stated that

learned Court below took the cognizance only

U/S. 498(A) of I.P.C and thereafter non-bailable

warrant has been issued on 08.02.2016 against the petitioner.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant but submits that petitioner is 60 years old person and complainant is 22 years of age, as a result the compatibility is not there between the petitioner and complainant. However, the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That it is stated that allegation is common and vague against the petitioner while petitioner is ready to keep his wife with full dignity and honour”

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. 137 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 six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

Shageer/-

(Dinesh Kumar Singh, J)

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