

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11524 of 2016

Arising Out of PS.Case No. -211 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Shamshad Alam Son of Mahmood Alam, Resident of Village-Tilauthu,
Sabari Mohalla P.S.- Tilauthu, Dist.- Rohtas (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rabiya Khatoon W/o Shamshad Alam Daughter of Late Md. Shamim,
Kalami Mohlla, P.O. + P.S. + Dist- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-03-2016 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 13 of the petition which reads as follows:-

“That the petitioner is still ready to keep his wife with full love and affection.”

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were issued.

It is submitted by learned counsel for the petitioner that now bailable warrant of arrest has been issued, statement to that effect has been made in para 7 of the petition which reads as follows:-

“That.... in the meantime bailable warrant has been issued on 05.12.2015 by the learned SDJM....”

In the circumstances, let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 211 of 2013 pending in the court of learned SDJM, Aurangabad keeping in view of the stand of the petitioner as recorded above.

(Dinesh Kumar Singh, J)

Amrendra/-

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