

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13181 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Javed Ashraf, son of Md. Jameel Akhtar, resident of Village-
Bacharpur, P.S.-Pupri, District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Farhat Khatoon, wife of Javed Ashraf, presently residing with her
father at Faruha Bhavani, P.S.-Bajpatti, District-Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Pushpa Sinha No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2016

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.

It is submitted by learned counsel for the petitioner on instruction that 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 12 of the petition which reads as follows:-

“That it may also be clarified

that the petitioner has ever been and is still ready
and inclined to keep O.P. No. 2 with full honour,
love and affection”

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 one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Complaint Case No. CI-178 of 2015.

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.

(Dinesh Kumar Singh, J)

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