

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17884 of 2016

Arising Out of PS.Case No. -1708 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Md. Salam Ansari Son of Md. Muslim Ansari, resident of village-
Masaha, P.S.- Parihar, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Husna Ara wife of Md. Salam Ansari, daughter of Md. Mostakim Ansari,
resident of village- Masaha, P.s.- Parihar, District- Sitamarhi, at present
resident of village- Mahadeopatti, P.S.- Parihar, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 25-04-2016 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant,

is apprehending arrest in a case registered for the offences

punishable under Section 498A of the Indian Penal Code.

The prosecution case, in short, is that the complainant

was married with the petitioner in the year 2008 and she was

living happily at her matrimonial house. Six months after

marriage, demand of Hero Honda Motorcycle was made and on

refusal of the same, she was tortured and driven out from her

matrimonial house.



Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep her with full dignity and honour. A statement to this effect has been made in paragraph No.8 of this petition, which is as follows:

“8. That the petitioner undertakes to keep the complainant as wife with full honour and dignity”.

It is further submitted by learned counsel for the petitioner that for restitution of his conjugal right the petitioner has filed Matrimonial Case No.216 of 2014.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi in connection with Complaint Case No.C1-1708 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities- (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately get reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

V.P.Sinha/-

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