

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30243 of 2015

Arising Out of PS.Case No. -1352 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Anjum Kamal son of Md. Badrul Haque Resident of Village Ashoora,
P.s Bisfi (patauna) Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Siddiqua Parveen, W/o Anjum Kamal @ Amir, resident of village Usra,
P.S.-Bisfi, District- Madhubani at present daughter of Avrar Ahmad,
resident of Chakdah Mansuri Tola, Railway Gumti No. 3, P.S.-
Rajnagar, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr. Md. Arif(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 29-01-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basis accusation is of torture.

It is submitted by the learned counsel for the petitioner that that petitioner admits his marriage with the complainant, but has divorced the complainant as per the Muslim rites and with similar accusation Complaint Case No.



888 of 2014 levelling accusation under Sections 341, 379, 506/34 of the Indian Penal Code has also been filed. The informant has also filed Madhubani Mahila P.S. Case No. 38 of 2015 levelling accusation under Sections 323, 341, 498A/34 of the Indian Penal Code. It is further submitted that in view of the divorce, the petitioner is not ready to keep the complainant at present.

It is submitted by the learned counsel for the complainant that complainant denied the factum of divorce and is ready to resume the conjugal life.

Considering the fact that the factum of divorce is in dispute, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M., Ist Class, Madhubani, in connection with C.R. Case No. 9857 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

In the meantime, learned counsel below will decide the issue of factum of divorce and if the learned court below come to the conclusion that the petitioner has divorced the complainant as per Muslim rites then the provisional bail of the petitioner will be confirmed, but if it is found otherwise, then

the petitioner will surrender and pray for regular bail.

It is further expected from the petitioner to appear in the Maintenance Proceeding on the next date fixed before the court concerned.

(Dinesh Kumar Singh, J)

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