

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 29958 of 2016

Arising out of P.S. Case No. -739 Year- 2015 Thana -
COMPLAINT CASE District- KISANGANJ

=====

1. Naushar Alam Son of Islam
2. Islam Son of Sifat Ali
3. Mahirun Nisha Wife of Islam
4. Afsari Wife of Khesebul
5. Shahin Praveen Daughter of Islam
6. Md. Dealer Son of Islam All residents of village Satbhitta,
P.S. Kochadhaman, District Kishanganj Petitioner/s
Versus

1. The State of Bihar.
2. Shahim Praveen wife of Naushar Alam resident of village -
Satbhitta, P.S. Kochadhaman, District - Kishanganj.
.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Adv.
For the Opposite Party/s: Sri Jai Narain Thakur, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02. 26.07.2016 Heard learned counsel for the petitioners and the State.

The petitioner no. 1, Naushar Alam being the husband of the complainant and petitioners no. 2 to 6 being the parents, sisters and brother of the petitioner no. 1 are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498(A) of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that petitioner no. 1 admits his marriage with the complainant. The petitioner no. 1 filed Complaint Case No. 353 of 2016 levelling accusation under Sections 323, 379,

384 and 504/34 IPC against the complainant and her family members and thereafter the present Complaint has been filed on 29.06.2015 but the petitioner no. 1 is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 14 of the petition, which reads as follows:-

“That it is stated that the petitioner No. 1, Naushar Alam is ready to keep her wife with full dignity and love.”

It is further submitted that initially summons were issued against the petitioners but now non-bailable warrant of arrest has been issued against them. Statement to that effect has been made in paragraph 3 of the supplementary-affidavit,, which reads as follows:-

“That upon filing the complaint case the complaint was examined on S.A. and three enquiry witness have been examined u/s 202 Cr.P.C. and by an order dated 19.03.2016 the S.D.J.M. Kishanganj took cognizance offence under Section 498A of IPC and issue summons against the petitioners and thereafter non-bailable warrant issued on 05.07.2016 against them.”

Considering the present stand of the petitioner no. 1, let the petitioner no. 1, Naushar Alam, above named 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 four weeks from today on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kishanganj in connection with Complaint

Case No. C 739 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below notice to the complainant on her appearance the petitioner no. 1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of petitioner no. 1 will be confirmed by the learned court below in three eventualities:-

(i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

Considering the present stand of petitioner 1 and thrust of accusation against petitioner no. 1, let the petitioners no. 2 to 6, above named be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kishanganj in connection with Complaint Case No. C739 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

Vikash/-

U		T	
---	--	---	--