

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43769 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Md. Farukh Ali @ Md. Farooque Ali Son of Md. Sultan Resident of
Village - chaklalu, P.S. - Mehsi, District - East Champaran, at present 33
Pikhana, 3rd Lane, P.S. - Golabari, District - Hawrah, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hajra Khatoon, Wife of Md. Farooque Ali, D/o Aminul Haque, R/o
Village - Chaklau, P.S. - Mehsi at present Kushr Tola, P.S. - Kesaria,
District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 16-02-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Section 498A, 323, 379, 324 and 504 of
the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the informant are present.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and birth of two children and is ready to keep the

informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That it is stated here that the informant on her own sweet will withdrawn herself from the society of her husband and thereafter filed the present case with false frivolous and unfounded allegation. Despite, the manner of the informant making the life of the petitioner miserable, he is still ready to keep her honourably at his place.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 2nd March, 2016 when the petitioner will take the informant and the children to keep them with dignity and honour. Both sides also agree to file appropriate application for compromise/withdrawal of the case filed from either side within period of two weeks when the concerned court below dispose of all such cases in accordance with law keeping in view of the present stand of the parties.

Considering the present stand of the parties, 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 bonds of Rs.10,000/- (Ten thousand) with two

sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Mehshi P.S. Case No. 95 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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