

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9240 of 2016

Arising Out of PS.Case No. -614 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Nadim, son of Md. Afjal Hussain resident of Village-Damrah P.S.-Amour,
District-Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Rahe Tara, daughter of Bilal Ahmed, resident of Village-Damrah,
P.S.-Amour, District-Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2016

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.

The prosecution case is that the complainant got married with one Asgar Ali in 2011 but the petitioner ravished the complainant and thereafter regularly established physical relationship, as a result the complainant got pregnant and thereafter the first husband of the complainant Asgar Ali divorced her and then she performed marriage with the petitioner but petitioner thereafter started inflicting torture.

It is submitted by learned counsel for the petitioner on instruction that complainant herself married with

the petitioner and petitioner 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 the petitioner is ready
to keep the complainant with all respect and dignity
as wife”

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 six months 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, Purnea in connection with Complaint Case No. 614 of 2014.

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 six months (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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