

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23895 of 2016

Arising Out of PS.Case No. -788 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. MD. WAKIL ANSARI @ WAKIL ANSARI Son of Md. Islam Ansari,
 2. Md. Islam Ansari aged about 60 years, Son of Late Chamar Mian
 3. Rabia Khatun @ Sabia Khatun, Wife of Md. Islam Ansari, aged about 55 years, Siggi Bela, P.S.-Goh, District-Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sahnaj Bano @ Chanda W/O Md. Wakil Ansari, D/o Md. Jalil Resident of mohalla Haji Chand colony, Gay ghat.P.s. Alamganj, District -Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao
For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016 The petitioner No. 1 being husband of the complainant and petitioner Nos. 2 and 3 being parents of the husband of the complainant are apprehending their 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.

It is submitted by learned counsel for the petitioners on instruction that petitioner No. 1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which

reads as follows:-

“That the petitioner no. 1 is
ready to keep his wife with full dignity and honour”

Considering the present stand of petitioner No. 1, let the petitioner No. 1, 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, Patna in connection with Complaint Case No. 788 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner No. 1 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 No. 1 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.

Considering the aforesaid facts, let the petitioner Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of 12

weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City in connection with Complaint Case No. 788 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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