

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37976 of 2016

Arising Out of Complaint Case No. -1864 Year- 2013 Thana -SAHARSA COMPLAINT CASE
District- SAHARSA

=====

Md. Mojahidul Islam @ Md. Mojahid S/o Md. Ismael

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samina Prawin W/o Md. Mojahid

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Sri Nityanand, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016 Heard learned counsels for the petitioner and the State.

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

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.8 of the petition which reads as follows:-

"That it is placed for kind consideration that the petitioner is ready to keep her wife with full dignity and honour."

From the impugned order it appears that the complainant was ready to resume the conjugal life but, the petitioner declined to accept the offer of the complainant, as a result, reconciliation failed.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saharsa, in connection with Complaint Case No.1864/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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