

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42256 of 2016

Arising Out of PS.Case No. -2213 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md.firoz Son of late Md. Shamim Resident of Village- Katka, P.S. Singhwara, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

2. Nagina Khatoon W/o Md. Firoz, D/o Md. Suleman Resident of Village- Katka, P.S Singhwara, District Darbhanga, at Present resident of Village- Sarfuddinpur, P.S. Bochahan, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and

he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That, the petitioner being husband of the complainant he always want to keep his wife with full dignity and honour but it is the complainant who does not want to live with the petitioner.”

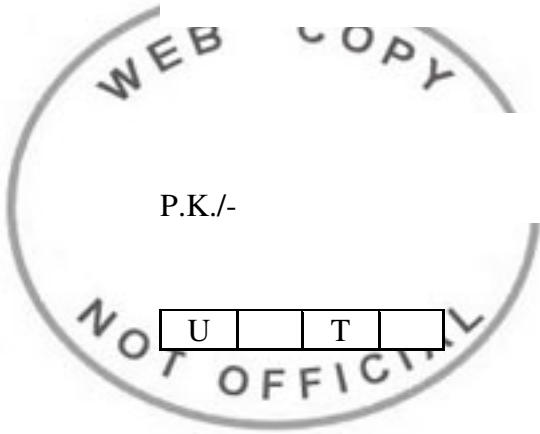
Similar was the stand of the petitioner before the learned court below, which reflects from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 Sri Sunil Kumar Tripathi, J.M., Ist class, Muzaffarpur in connection with Muzaffarpur Complaint Case No. 2213 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within six months 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.



(Dinesh Kumar Singh, J)