

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.135 of 2016

Arising Out of PS.Case No. -1188 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. MD. ALTAF ANSARI @ALTAF son of Md. Rafik Ansari, resident of village- Pipra Parsain Tola Ramnagar, Mujhauilya, P.s.- Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruksana Khatoon, Wife of Md. Altaf Ansari, daughter of Hussaini Ansari, resident of village- Bhutaha, P.S. Pupri, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv

For the Opposite Party/s : Mr. Pranav Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-01-2016 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 Sections 323, 379 and 498A of the Indian Penal Code.

The accusation is of torture.

Learned counsel for the petitioner submits that the petitioner 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 is ready to keep the complainant as his wife with full honour and dignity.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C-1/1188/2014, 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.

(Dinesh Kumar Singh, J)

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