

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9783 of 2016

Arising Out of PS.Case No. -270 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Jawed Alam @ Md. Javed Alam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Navin Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A, 323 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner admits marriage with the complainant. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“12. That, the petitioner being husband is still ready to keep her wife with all dignity and honour, if she is ready to live with the petitioner.”

It is further submitted that accusation of performing second marriage is false. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“10. That, the allegations of second marriage, 3 years back before filing of this case is also false and baseless. There is no mention of details of second wife in the complaint and simply mere allegations have been made.”

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 SDJM, Raxaul at Motihari in connection with Trial No. 3771 of 2015 arising out of Complaint Case No. C 270/ 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 and 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 the learned court below in three eventualities – (i) if the

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

(Dinesh Kumar Singh, J)

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