

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43987 of 2016

Arising Out of PS.Case No. -715 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Rashid Ashrafiya @ Sonu Son of Almuddin Khan resident of village
Muhalla Alinagar near at Major, P.S. Aurangabad, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Najma Khatoon Daughter of Dilbahar Ansari wife of Rashid Ashrafiya @
Sonu resident of Village - Muhalla Alinagar near at Major P.S. and District
Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Sri Zainul Abedin

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 06-10-2016 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 Section 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- 8 of the petition which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep his wife all respect.”

It appears from the impugned order that the learned Sessions Judge has disposed of the application on the ground that only summon was issued against the petitioner. It is further submitted that now the non- bailable warrant has been issued against the petitioner. Statement to that effect has been made in para-12 of the petition which reads as follows:-

“That in this case non-bailable warrant has been issued against the petitioner.”

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 Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 715 of 2014, 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)

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