

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45528 of 2015

Arising Out of PS.Case No. -210 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Wahab Ansari Son of Mintullah Ansari resident of village - Bisanpur Choudhary, Police Station - Balua Bazar, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Ruksana Khatoon W/o Wahab Ansari Resident of Village - Bishanpur Choudhary, P.S. - Ballua Bazar, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 04-08-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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 but petitioner has given talaq to the complainant as per muslim rituals.

The notices were issued to the complainant/O.P. No. 2 vide order dated 24.09.2015. The office note dated 25.02.2016 reflects that ordinary process of notice has been received by the complainant herself. Hence, the

notices issued to the complainant/O.P. No. 2 were directed vide order dated 26.02.2016 as deemed validly served and the matter was adjourned for 5th of April, 2016 due to non-appearance of the complainant/O.P. No. 2. None appeared on behalf of the complainant/O.P. No. 2 on 5th of April, 2016. Hence, as last indulgence, the matter was directed to be placed on 23rd of June, 2016. None appeared on behalf of the complainant/O.P. No. 2 on 27th of June, 2016 also when the matter was adjourned for today. Today also none is appearing on behalf of the complainant/O.P. No. 2, however counsel for the petitioner is present.

Considering the nature of accusation and the claim of the petitioner that he has given talaq to the complainant, coupled with the fact that complainant chose not to appear, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul in connection with Complaint Case No. 210C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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