

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46432 of 2016

Arising Out of PS.Case No. -316 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Tabaraque Ansari @ Md. Tabarak Ansari, S/O Md. Bajul Ansari
resident of Village- Banarjhula P.S. Sonbarsa District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/O Md. Tabaraque Ansari D/O Md. Mastakin Ansari
at present residing at Village Medanipur P.S. Nanpur District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Sri Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-04-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken under sections 498A, 323 and 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child, though the petitioner has performed second marriage but he is ready to keep the complainant as wife with full dignity and honour and wants to settle the issue. Statement to that effect has been made in paragraphs 7 and 10 of



the petition which read as follows:

“(7) That the petitioner is the husband of complainant and always ready to keep her with all respect and dignity but she herself does not want to live with the petitioner the reason best known to her.

(10) That it is stated that in compelling circumstances the petitioner has solemnized second marriage but in spite of that he is ready to keep the complainant or settle the disputes with her.”

It is further submitted by learned counsel for the petitioner that the issue has been resolved and the complainant is ready to reside with the petitioner.

The contention of learned counsel for the petitioner has not been controverted by the learned counsel for the complainant.

Both sides agree to appear before the learned court below on 10th of May, 2017 when the petitioner will take the complainant to matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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 ₹10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned SDJM, Pupri at Sitamarhi in connection with Complaint Case No.C-1/316/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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) or if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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