

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.960 of 2017

Arising Out of PS.Case No. -13 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Mir Hasan Mian @ Meer Hasan, Son of Anwar Mian, R/o Village- Sohsa
Sthan Tola, Fulwariya Dain Maroon, P.S.- Ramnagar, District- West
Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shabana Khatoon, W/o Mir Hasan Mian, D/o- Mir Hasan Mian, R/o-
Sabeya Deoraj P.S.- Ramnagar, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 19-08-2017 Heard learned counsels for the petitioner, complainant
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 offence
punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It appears that the matter was referred to the Mediation
and Conciliation Centre of the Patna High Court, vide order dated
28.01.2017. The report of the mediator dated 28.04.2017, kept at
flag-‘A’, suggests that the issue could not be reconciled through



the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. Though, initial stand of the petitioner was that he is not ready to keep the complainant, but is ready to settle the dispute, but now, the petitioner is ready to keep the complainant and her children with full dignity and honour, though, specific statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

It is jointly submitted that both sides agree to appear before the learned Court below on 6th of September, 2017, when the petitioner will take the complainant and her children to keep them with full dignity and honour.

Considering the present stand of the parties, 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 Sub-divisional Judicial Magistrate, Bagaha, West Champaran in connection with Complaint Case No. 13 of 2016, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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