

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38448 of 2016

Arising Out of PS.Case No. -195 Year- 2013 Thana -RANIGANJ District- ARRARIA

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Md. Mustafa, son of Jumrati, resident of Village- Bari Tola Rampur, Police Station- Raniganj, District- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Maiful Khatoon, daughter of Md. Sayeed, resident of Village- Hasanpur, P.O. Mariganj, Police Station- Raniganj, District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Rana, Advocate.
For the State : Smt. Suman Kumari Singh, A.P.P.
For the Informant : Md. Naushrduzzoha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-01-2017 Heard learned counsel for the petitioner, informant and learned counsel for the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498(A), 323, 379 and 504/34 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 informant and he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 10 of the



petition, which reads as follows:-

“That, the petitioner is the husband of the informant and always ready to keep her with full honour dignity, love, affections and all desires. “

It is further submitted that though the petitioner solemnized marriage with another lady but he divorced his second wife one year ago according to the Muslim Customs and now he has no relation with the second wife. A statement to that effect has been made in paragraph no. 9 of the petition.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive of second marriage. If the petitioner states on affidavit that he has divorced his second wife then the informant is ready to resume the conjugal life with the petitioner.

Let the petitioner above named, be released on provisional anticipatory bail for a period of six months in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Raniganj P.S. Case No. 195 of 2013 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-2nd, Araria,, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Both sides agree to appear before the learned court below on 13.02.2017 when the petitioner will take the informant (wife) to her matrimonial house 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.e., (i) if the matrimonial harmony is substantially restored(ii) or the informant fails to appear before the learned court below (iii) or the informant gets reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)

