

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40983 of 2016

Arising Out of PS.Case No. -766 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Jahangir Raza @ Jahangir Raja @ Jahanghir Raza Son of late Md.
Mostaqueen Resident of Village- Chandan Bara, PS Dhaka, District East
Champanan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nasra Khatoon Daughter of Md. Mainuddin Ansari Resident of
Village- Chandan Bara, PS Dhaka, District East Champanan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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

ORAL ORDER

05/ 06-04-2017

Heard learned counsel for the petitioner,
complainant-opposite party no. 2 and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has 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 the petitioner admits his marriage with the
complainant. Though, the petitioner has solemnized second
marriage but he is still ready to keep the complainant as wife with



full dignity and honour. Statement to that effect has been made in paragraph nos. 10 and 11 of the petition which read as follow:-

“That the petitioner has solemnized second marriage.”

“That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

It is further submitted by learned counsel for the petitioner that, at present, the complainant is residing with the petitioner at Delhi.

Counsel for the complainant submits that the complainant admits that, at present, she is residing with the petitioner but still she is apprehensive due to the past conduct of the petitioner.

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 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 Judicial Magistrate, Ist Class, Sikrahana at Dhaka in connection with Complaint Case No. C-766 of 2015, 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) on substantial restoration of the matrimonial harmony (ii) or if the complainant gets reluctant to reconcile the issue (iii) or if the complainant to appear before the learned court.

(Dinesh Kumar Singh, J)

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