

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6556 of 2018

Arising Out of PS.Case No. -257 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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Md. Azam S/o Isahaque, R/o Village- Pairwakhuni, P.S.- Tarabari, in the District of Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Praveen W/o Md. Azam D/o Md. Mojibur Rahman, R/o Village- Perwakhuni, P.S.- Tarabari, District- Araria & Presently Resident of Village- Kakodwa, P.S.- Palasi, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-02-2018

Heard Mr. Rajnish Kumar, learned counsel for the petitioner and Mr. Pankaj Kumar Jha, learned counsel for the complainant.

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 Sections 498A/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 complainant and birth of three children. Earlier also with similar



accusation Complaint Case No. 3060-C of 2012 was filed which was disposed of on the basis of compromise between the parties and again the present complaint with similar accusation has been filed. The petitioner is still ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 16 of the petition, which reads as follows:-

“That it is humbly submitted that petitioner is ready to keep O.P. No. 2 as his wife with full affairs and dignity.”

It is submitted by learned counsel for the complainant that the marriage between the petitioner and the complainant and birth of three children are not in dispute. The complaint case earlier filed was compromised by the parties and thereafter the petitioner again started inflicting torture upon the complainant and ultimately drove her out from the matrimonial house. However, the complainant is still ready to accept the offer of the petitioner.

In the circumstances, both sides agree to appear before the learned Court below on 26th of February, 2018, when the petitioner will take the complainant 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 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 Additional Chief Judicial Magistrate-II, Araria in connection with Complaint Case No. 257C 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) on substantial restoration of the matrimonial harmony or (ii) if the complainant gets reluctant to reconcile the issue or (iii) if the complainant fails to appear before the learned Court below, but the provisional will not be confirmed if the petitioner fails to appear or co-operate in restoration of the matrimonial harmony.

(Dinesh Kumar Singh, J)

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