

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37902 of 2018

Arising Out of C. Case No.-2768 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Md. Irfan, son of Md. Ilyas, Resident of Village-Lenuyari Simarwara, P.S.-
Patepur, in the District of Vaishali.

... .. Petitioner/s

Versus

1. State of Bihar
2. Baby Khatoon, Daughter of Noor Mohammad, Resident of Village-
Silauthor, P.S.-Jandaha, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s : Sri Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsels for the petitioner 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
offences punishable under Section 498A of the Indian Penal
Code.

The prosecution case is of inflicting torture after
about seven years of marriage upon the complainant. Ultimately,
10.03.2017, the complainant was driven out from the
matrimonial house after snatching her jewellery and other
articles.



Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“.... that the petitioner is husband of the opposite party no.2 and he is ready to keep the opposite party no.2 with full love and dignity.”

The impugned order suggests that the court below had given two options to the petitioner, either to keep the complainant as wife with full dignity and honour, or to make payment of Rs.2000/- per month, but the petitioner refused to accept either of the offers.

Though, contrary stand has been taken before this Court than what was taken before the learned Court below, but relying upon the statement made in paragraph 11 of the petition as quoted above, 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 Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned CJM, Vaishali at Hajipur, in connection with Complaint Case No.2768 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by 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)

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