

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36805 of 2018

Arising Out of PS. Case No.-80 Year-2016 Thana- JHANJHARPUR District- Madhubani

Md. Abdul Rahman @ Bhulla son of Late Mustafa Ansari, Resident of
Village- Andhratharhi, Ward No. 4, P.S. Andhratharhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Zahan Begum

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat
For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2018

Heard learned counsels for the parties.

Though the matter has been listed under the heading
'For Orders (on Office Notes)' awaiting service report of the
notice issued to O.P. No. 2, but since the O.P. No.2 has
appeared through her learned counsel, this matter is being taken
up on merits.

The petitioner being the husband of the informant, is
apprehending arrest in a case registered for the offences
punishable under Sections 323,341,380,498A and 504/34 of the
IPC.

The basic accusation is of torture.

The petitioner and the informant O.P. No. 2 are
present. It is submitted by learned counsel for the petitioner that



the petitioner admits his marriage with the informant and birth of a female child. The female child is staying with the petitioner. Though the petitioner has performed second marriage but the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour.”

Learned counsel for the informant submits that earlier also a complaint with similar accusation was filed but since the petitioner was ready to keep the informant the complaint was withdrawn. However, it is submitted that such undertaking was given by the petitioner for the purpose of obtaining bail and subsequently, torture was inflicted upon her.

Be that as it may, since the petitioner is ready to keep the informant as wife with full dignity and honour, the informant is ready to accept the offer but she is apprehensive due to the past conduct of the petitioner. However, both sides agree to appear before the learned Court below on 3rd October, 2018, when the petitioner will take the informant to her matrimonial house and keep her with full dignity and honour.

Considering the present stand of the parties, in order to



save the informant and her child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on provisional anticipatory bail for four months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM Ist, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 80 of 2016 subject to the conditions laid down in 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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue. But the provisional bail will not be confirmed if the issue is not reconciled due to laches on the part of the petitioner.

(Dinesh Kumar Singh, J)

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