

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37832 of 2018

Arising Out of PS. Case No.-918 Year-2011 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Haroon Rasid S/o Late Baraktulla @ Lala Quraishi, R/o Mohalla- Maqbul
Alam Road, Pakki Bazar, Police Line Chauraha, Kachahari, House No.5/6-S-
Varanasi, P.S.- Baranasi Cant, Disriect- Varanasi (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Heena Firdos, Wife of Haroon Rasid D/o Nizamuddin Quraishi, R/o Quraishi
Mohalla- Barah Pathar, Dehri, P.S.- Dehri, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Jitendra Prasad Singh
For the Opposite Party/s :	Mr. Panchanand Pandit, APP
	Mr. Jitendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-09-2018 Heard learned counsels for the parties.

The petitioner and the complainant O.P. No. 2 are
present.

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 Sections 323 and 498A of the IPC.

The prosecution case got initiated with filing of a
Complaint Case No. 918 of 2011 by O.P. No 2, Heena Firdos
alleging there in that she was married with the petitioner on
24.04.2005 as per muslim rituals, but subsequently demand of
golden chain and a motorcycle was made and for non-



fulfillment of the same threatening was given to the complainant that the petitioner will perform second marriage and torture was inflicted on her. On 05.08.2011 the petitioner declined to keep the complainant as wife.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having one male child out of the wedlock. The petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:-

“The petitioner begs to submit that he is ready to keep the wife with honour and dignity but she herself not ready to live with the family of the husband.”

It is submitted by learned counsel for the petitioner that he had not performed second marriage, though statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner, but she is apprehensive of the past conduct of the petitioner. Still the complainant is ready to go with the petitioner from the Court itself. The petitioner is ready for the same.

Considering the present stand of the parties, in order to



save the complainant and his male 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 six 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 SDJM, Dehri (Rohtas) in connection with Complaint Case No. 918 of 2011 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 two eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant gets reluctant to reconcile the issue. But the provisional bail of the petitioner will not be confirmed if the complainant brings substantial proof before the learned Court below that the petitioner has inflicted serious torture upon the complainant.

(Dinesh Kumar Singh, J)

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