

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73653 of 2018

Arising Out of PS. Case No.-2609 Year-2016 Thana- COMPLAINT CASE District- Araria

Md. Abu Talib @ Abu Talib, Son of Md. Azim, Resident of Village-
Kashibari, P.S.-Jokihat, Dist.-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tasrun Nazrin, Wife of Md. Abu Talib, Resident of Village- Kashibari, P.S.-
Jokihat, Dist.-Araria at Present. Daughter of Md. Farooque Resident of
Village- Karaimana, P.S.-Jokihat, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 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 Sections 498A of the Indian Penal Code.

The prosecution case as per the complainant is that the marriage between the complainant and the petitioner Md. Abu Talib was performed on 28.09.2011. Subsequently, they were blessed with a male child. Thereafter, further dowry



demand of motorcycle was made and due to non-fulfilment of the same torture was inflicted upon the complainant.

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 12 of the petition which reads as follows:-

“That, the petitioner is still ready to resume his conjugal life with the complainant but the parents as well as complainant are not ready to do so. They always put pressure upon the petitioner to sale out his share in entire property and resides there as Ghar-Jamai.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

Considering the present stand of the petitioner, 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 **A.C.J.M. Vith, Araria** in connection with **Complaint Case No. 2609 C of 2016**, 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)

Deepak/Rahul/-

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