

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20217 of 2019

Arising Out of PS. Case No.-1143 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Shahjahan Khan, Son of Late Abdul Hassan Khan, Resident of Village - Marpa, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasrati Khanam Wife of Md. ShaHjahan Khan, Resident of Village- Marpa, P.S.- Kanhauli, District- Sitamarhi, At present address daughter of Mohammad Shafique Khan, resident of Village- Fatehpur, P.S.- Sonbarsa, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purnendu Singh
For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned Counsels for the petitioner and

learned APP for 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 offence punishable under Section 498(A) of the Indian Penal Code.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner in the year 2001 and subsequently, they were blessed with a daughter in 2006 and two male child in the years 2010 and 2014 respectively, but both



the sons died. It is further alleged that she was residing with his husband at Ludhiana, but on 07.07.2017, she was asked to leave the house by the petitioner and when she came back to matrimonial house, she was driven out of the matrimonial house after snatching all her belongings by the in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of one child and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in paragraph no.18 of the petition which reads as follows:-

“9.That the petitioner prays before this honorable court to grant protection for appearing before the mediation centre so that he can take effort to patch up with his wife and leave along with his children because he’s still ready to keep complainant with his as wife and will maintain her according to his income.”

Considering the accusation of torture after 17 years of marriage and present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for a period of six months, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned **CJM, Sitamarhi** in connection with **Complaint Case No.C1143 of 2017**, subject to the conditions as laid down under Section 438(2) of the 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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