

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7656 of 2015

Arising Out of PS.Case No. -351 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

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Chhotelal Yadav, S/o Ramyadi Yadav, R/o village- Mishrauli, Tola Samail,
Police Station- Mirganj, District- Gopalganj

.... Petitioner/s

Versus

1. State of Bihar
2. Niraj Devi, W/o Chhotelal Yadav, D/o Tukad chaudhary, R/o village-
Mishrauli, Tola Samail, P.S.- Mirganj, District- Gopalganj, at present
R/o village- Harihara, Police Station- Phulwaria, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Ajay Kr. 2(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 26-02-2015 Heard learned counsel for the petitioner and the

State.

The petitioner being the husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A, 323, 406, 120B of the Indian
Penal Code.

The basic accusation is of torture.

On instruction it is submitted by learned counsel
for the petitioner that though the petitioner has already filed
matrimonial suit for divorce at the earlier point of time, but still
ready to keep the informant as wife with full dignity and
honour. Statement to that effect has been made in para-7 of
the petition. It is further submitted that the petitioner is ready
to withdraw the matrimonial suit.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 351 of 2014, 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 informant on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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