

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13013 of 2015

Arising Out of PS.Case No. -621 Year- 2012 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Rakesh Rajbhar, Son of Sarnath Rajbhar, Resident of Village Salempur (Pulia), P.S.- Sakaldiha, District-Chandauli (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kunta Devi, W/O Rakesh Rajbhar, D/O Late Bhikhi Rai Resident of Village-Salempur (Pulia), P.O.- Dharehara, P.S.- Sakaldiha, District-Chandauli (U.P.) At present, resident of Diwane, P.O.- Soukhara, P.S.- Chand, District- Kaimur (Bhabua) Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“7. That the petitioner never made any demand of dowry nor ever tortured the complainant in the way as it has been said rather he is still ready to keep the

complainant as wife with full dignity and honour.”

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhabhua in connection with Complaint Case No. 621 of 2012, 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 (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)

Amrendra/-

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