

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17445 of 2015

Arising Out of PS.Case No. -1440 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Satendra Paswan @ Sailender Paswan Son of Baleshwar Paswan.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bibi Devi, Wife of Satendra Paswan @ Shilender Paswan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-05-2015

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 Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture. The factum of marriage between the petitioner and the complainant and birth of three children are admitted facts.

It is submitted by learned counsel for the petitioner that the complainant has performed second marriage. On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour

if she recourse with regret of past happening. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is still ready to keep, if she is ready to live with regret of past happening.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 8th of June, 2015 when the petitioner will take the complainant with her children to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Judicial Magistrate, 1st Class, Gopalganj in connection with Complaint Case No. 1440 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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. The provisional bail of the petitioner will also be confirmed if substantive proof is brought on record that the complainant has performed second marriage.

(Dinesh Kumar Singh, J)

Amrendra/-

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