

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30146 of 2014

Arising Out of PS.Case No. -104 Year- 2009 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Surendra Chaudhary

.... Petitioner/s

Versus

1.The State of Bihar

2. Indu Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-04-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to the O.P. No. 2 vide order dated 19.1.2015. Office note dated 3.4.2015 suggests that the O.P. No. 2 has entered appearance through her lawyer. However, none is appearing on behalf of O.P. No. 2.

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made

in paragraph no. 10 of the petition which reads as follows:

“That inspite of all the facts and circumstances petitioner is always ready to keep the complainant (wife) with full respect and dignity.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Bagaha in connection with Complaint Case No. 104C of 2009 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the 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 deliberately gets reluctant to

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NOT

reconcile the issue.

(Dinesh Kumar Singh, J)

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