

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24730 of 2015

Arising Out of PS.Case No. -367 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Fuldeo Sahani @ Fuldeo Kumar Sahani S/o Rampunit Sahani resident of
village - Gunahi Basahi, P.S. - Tajpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi w/o Fuldeo Sahani D/o Dr. Prabhunath Chaudhary at present
residing Hathiyai, P.S. - Piprakothi, District - East Champaran.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015 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 498A and 323 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 11 of the petition which reads as follows:-

“That.... the petitioner is ready to keep the complainant with full dignity and honour.”

The petitioner has also filed matrimonial case under Section 9 of the Hindu Marriage Act for restitution of conjugal

life.

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 Judicial Magistrate, 1st Class, Sadar, Motihari in connection with Complaint Case No. 367 of 2013, 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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