

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25137 of 2015**

Arising Out of PS.Case No. -122 Year- 2015 Thana -VAISALI COMPLAINT CASE District-  
VAISHALI(HAJIPUR)

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1. Shiv Shanker Prasad @ Shiv Shanker Kumar S/O Late Jagdish Sah,  
Resident of village- Daudnagar, P.S. and Dist.- Vaishali

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bikki Devi, W/o Shiv Shanker Prasad, D/O Raman Kumar Sah, presently  
residing at Village- Parmanandpur, P.S.- Mahua, District- Vaishali

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. S.Dayal (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

2      10-07-2015                      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 processes were directed to be issued after cognizance being taken under sections 498A,323,379 and 406/34 of the Indian Penal Code.

The basic accusation is of torture.

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. 8 of the petition which reads as follows:

“That the petitioner is Husband of the informant and always ready to keep his wife (informant) with full honour and dignity.”

The petitioner has filed matrimonial case no. 1 of 2015 for restitution of conjugal right.

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, Vaishali at Hajipur in connection with Complaint Case No. 122 of 2015 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 reconcile the issue.

**(Dinesh Kumar Singh, J)**

Anil/-

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