

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31418 of 2015

Arising Out of PS.Case No. -25943 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mukesh Kumar S/o Sri Rajni Kant Sinha Resident of Village Baraki Ghoshi, Police Station Hilsa, District Nalanda. At present posted as Senior Technical Branch, mahindra, Phage 3 - Bijjebari, District Puna (Maharastra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nutan Sinha W/o Mukesh Kumar, D/o Sri Surendra Pd. R/o Village Karwan, P.O. Dariyapur, P.S. Islampur, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Ii
For the Opposite Party/s : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2015 Petitioner being husband of the complainant is apprehending his arrest in a complaint case filed with accusation under Sections 323, 341, 379, 498A, 504 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

On instructions, it is submitted by learned counsel for the petitioner that petitioner is ready to keep the complainant and the female child with full dignity and honour. A statement to that effect has been made in para 8 of the petitioner. The relevant portion of which reads as follows:-

“.....although the

petitioner is ready to keep and maintain her
with all respects as wife.....”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 25943(C) of 2014, Trial No. 2171 of 2014.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant and the female child to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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