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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30972 of 2015

Arising Out of PS.Case No. -27 Year- 2015 Thana -MAHILA P.S District- SUPAUL

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Nitish Kumar Yadav @ Mulayam Yadav, Son of Sri Prasad Yadav, Resident of Village – Baghla, Police Station – Tribeniganj, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Daizee Devi, Wife of Nitish Kumar Yadav @ Mulayam Yadav, Resident of village – Baghla, Police Station – Tribeniganj, District – Supaul.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Jitendra Kumar Rai 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 30-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 506 and 341/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits earlier marriage with the informant having two children and the informant has also filed similar complaint before the Women Commission and petitioner is

still ready to keep the informant along with the children with dignity and honour. Statement to that effect has been made in paragraph no. 7 of the petition, which reads as follows:- **"That, the petitioner is still ready to keep her as legally married wife with full dignity and honour but she is not ready to live with her in-laws together rather she wants separation from the in-laws and live separately with them along with her husband only."**

Let the learned court below issue notice to the informant on her appearance the petitioner will take the informant along with children to keep them with full dignity and honour.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Supaul in connection with Supaul (Mahila) P.S. Case No. 27 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three

eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

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(Dinesh Kumar Singh, J)

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