

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33775 of 2015

Arising Out of Complaint Case No. -425 Year- 2013 Thana -COMPLAINT CASE District-
SHEOHAR

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1. Jai Prakash Gupta S/o Jagarnath Prasad Gupta resident of Mohalla-
Saketpuri Bibiganj road no.3 P.S. Sadar Muzaffarpur District Muzaffarpur.
..... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari D/o Harishankar Sah at present residing in Mohalla Ward
no.10 Sheohar P.S. Sheohar District Sheohar.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Smt. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

"6. That the petitioner is the husband of the complainant and always ready to keep her with all respect and dignity..."

A statement has been made at paragraph 8 of the

petition that the petitioner has filed Matrimonial Case No. 479/13 for restitution of conjugal rights.

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 Chief Judicial Magistrate, Sheohar in connection with Complaint Case No.425 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)

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