

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33092 of 2015

Arising Out of PS.Case No. -283 Year- 2015 Thana -SAHARSA District- SAHARSA

- =====
1. Pappu Das son of Ganga Das
2. Bablu Das Son of Ganga Das Both resident of Village- Naya Bazar, ward
no. 3, P.s sadar(Saharsa) District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2015 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner no. 1 being the husband of the informant and petitioner no. 2 being younger brother of petitioner no. 1 are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 341,323,498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted that petitioner no. 1 admits his marriage with the complainant and birth of a female child. On instructions, it is submitted that the petitioner no. 1 is ready to

keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 15 of the petition, the relevant portion of which reads as follows:

“That, the petitioner is ready to keep his wife with full dignity and respect.....”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner no. 1 but she is apprehensive of past conduct of the petitioner no. 1. Both petitioner no. 1 and the informant agree to appear before the learned court below on 24.8.2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner no. 1 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 CJM, Saharsa in connection with Saharsa Sadar P.S. Case No. 283 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner no. 1 will be confirmed by the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

Considering the stand of petitioner no. 1, let the above named petitioner no. 2 be released on anticipatory bail 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 CJM, Saharsa in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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