

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40500 of 2015

Arising Out of PS.Case No. -1626 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

Satendar Choudhary, S/o Ram Chander Choudhary, resident of Mokar, P.O.
and P.S.- Agre, District- Rohtas

.... Petitioner/s

Versus

1. State of Bihar
2. Suman Devi, D/o Sudarshan Chaudhary, R/o village- Katar, P.S.- Piro,
District- Bhojpur at Ara

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015 Heard learned counsel for the petitioner and the
State.

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

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Case No. 184 of 2012 for restitution of conjugal life. The petitioner admits the marriage

with the complainant and he is ready to keep the complainant and children as wife with full dignity and honour. Statement to that effect has been made in para- 8 of the petition which reads as follows:-

“That the petitioner has always been in a need of restitution of conjugal rights for a peaceful life and better care and nurture of his two infant sons and therefore lodge a Matrimonial Case in the Family Court of Rohtas, Sasaram as Case No. 184 of 2012 dated 18th August, 2012, under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.”

Considering the present stand of the petitioner and the complaint was filed in 2012, let the above named petitioner be released on provisional anticipatory bail for six months 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 Sub-Divisional Judicial Magistrate, Bhojpur, Ara in connection with Complaint Case No. 1626C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial

harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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