

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38078 of 2015

Arising Out of PS.Case No. -861 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Mukesh Mandal Son of Nathan Mandal
2. Nathan Mandal, Son of Dargoi Mandal
3. Geeta Devi, Wife of Nathan Mandal
4. Vilas Mandal, Son of Nathan Mandal All resident of village- Chhoti Shishva, P.S.- Tikapatti, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi, wife of Mukesh Mandal, D/O Vimal Mandal, Permanent Resident of village- Chhoti Shishwa, P.S.- Tikapatti, District- Purnea. At present Resident of Priti Devi, D/O Vimal Mandal, Village- Vishanpur, P.S.- Tikapatti, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the complainant and petitioner nos. 2 to 4 being parents and 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner no. 1 admits his marriage with the complainant. Petitioner no. 1 has

filed Matrimonial Case No. 143 of 2014 for restitution of conjugal rights. It is further submitted that 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 no. 11 of the petition the relevant portion of which reads as follows:

“That the petitioner no. 1 being husband he is always ready to keep the O.P. No. 2 with full dignity.....”

Considering the present stand of the petitioner no. 1, 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 SDJM Purnea in connection with Complaint Case No. 861 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

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

complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

Considering the stand of petitioner no. 1 and the claim of petitioner nos. 2 to 4 that they are residing separate from petitioner no. 1, let the above named petitioners 2 to 4 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, Purnea 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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