

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37848 of 2015

Arising Out of COMPLAINT Case No. -442 Year- 2013 Thana -EAST CHAMPARAN District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-08-2015

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.

The basic accusation is of torture. The factum of marriage between the petitioner and the complainant is admitted fact.

Learned counsel for the petitioner submits that the petitioner filed matrimonial suit for restitution of conjugal life and still is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That it is humbly stated and submitted that the petitioner is the husband of the victim and he is ready to keep her with full owner and dignity.”

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 SDJM, Sikarahana at Motihari, East Champaran in connection with Complaint Case No. C-442 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)

Amrendra/-

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