

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39114 of 2015

Arising Out of PS.Case No. -2602 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Pintu Yadav @ Rajdeo Yadav @ Pintu Kumar Rai Son of Late Mangru Yadav resident of village - Mushehari Miya Patti Kopa, P.S. Kopa, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi, W/o Rajdeo Yadav @ Pintu Yadav, D/o Bharat Yadav, resident of village -Musehari Miyan Patti, P.S. - Kopa, District - Saran A/P Village - Ghorhat, P.S. - Majhauria, District - Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadav
For the Opposite Party/s : Mr. Anuradha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2015 Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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.

On instructions, it is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and filed Matrimonial Suit No. 264 of 2013 for restitution of conjugal life. Moreover the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That it is stated that the petitioner is ready to keep his wife with full dignity and honour.....”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 2602 of 2013, Trial No. 5535 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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