

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39309 of 2015

Arising Out of Complaint Case No. -1821 Year- 2014 Thana -SARAN COMPLAINT CASE
District- SARAN

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1. Gautam Kumar, Son of Jamadar Prasad, Resident of village- Songhani
Tole Manan Patti, Police Station Bhagwanpur Hatt, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Devi @ Sneha wife of Gautam Kumar D/o Braj Bhushan Prasad,
Resident of Village- Pilue, P.O. Pilu, P.S. Daudpur, District- Saran at
Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-10-2015

Heard.

Petitioner being 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 petitioner has filed Matrimonial Case No. 78 of 2014 for restitution of the conjugal life and he is still ready to keep the complainant as wife with dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as

follows:-

"8. That the petitioner never ousted the complainant rather he was/is always ready to keep her with full respect."

In pursuance to order dated 27.08.2015, the complainant-opposite party no.2 and the petitioner are present before the Court.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Considering the present stand of the parties, 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, Saran at Chapra in connection with Complaint Case No.1821 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 29th October 2015 when 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)

Ashwini/-

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