

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38464 of 2015

Arising Out of PS.Case No. -1923 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Rupnarain Prasad Son of Late Deonath Prasad Resident of Village-Baudh Barawa, P.S.-Mainatand, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Rupnarain Prasad Daughter of Birendra Praad, Resident of Village-Baudh Barawa, P.S.-Mainatand, District-West Champaran, at present resides v Bishrampur, P.S.-Pokharia, District-Parsa (Nepal)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma
For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-12-2015 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being the husband of the complainant is 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.

The petitioner admits his marriage with the complainant though he has filed matrimonial suit for divorce but now it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour though

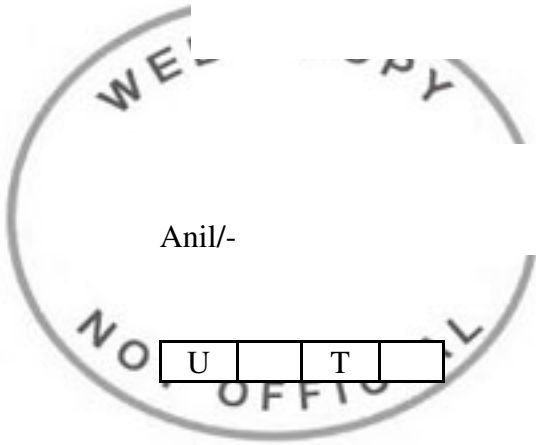
statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. Both petitioner and the complainant agree to appear before the learned court below on 15.1.2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 Bettiah (West Champaran) in connection with Complaint Case No. 1923 C of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner 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.



Anil/-

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(Dinesh Kumar Singh, J)