

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47459 of 2014

Arising Out of PS.Case No. -6 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Niranjan Rai @ Niranjan Kumar Son of Kailash Rai Resident of Village
- Aawapur, Tota Ram Tola, P.O. - Aawapur, P.S. - Pupri, District -
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramo Devi Wife of Niranjan Rai Presently residing at village - Sated
Tole - Bakori, P.O. Sated, P.S. - Nanpur, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Zainul Abedin (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that 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 12 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity and surety.”

Learned counsel for the complainant submit that the marriage was performed in the year 2009 but the complainant never stayed even for few months in the matrimonial house and the statement of the petitioner of keeping the complainant with dignity and surety has been made only for the purpose of bail, though, the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 3rd of August, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Complaint Case No. C-1/06 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

The present order will not preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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