

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51811 of 2014

Arising Out of PS.Case No. -497 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Mahtab Alam Son of Islam Sah Resident of Village - Madhuban Got,
P.S. - Bajpatti, District - Sitamarhi.

.... Petitioner

Versus

In The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha

For the Opposite Party : Mr. Prem Kumar Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 12-05-2015 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.

The notices were issued to the
complainant/O.P. No. 2 vide order dated 05.01.2015 on
submission of learned counsel for the petitioner that petitioner
is ready to keep the complainant as wife with full dignity and
honour. A statement to that effect has been made in para 9 of
the petition which reads as follows:-

“That the petitioner is ready to keep the

opposite party no. 2 with full respect and dignity which she deserves.”

It appears from the office note dated 06.02.2015 that notices were served to the counsel of the complainant appearing before learned Court below through the office of learned Court below.

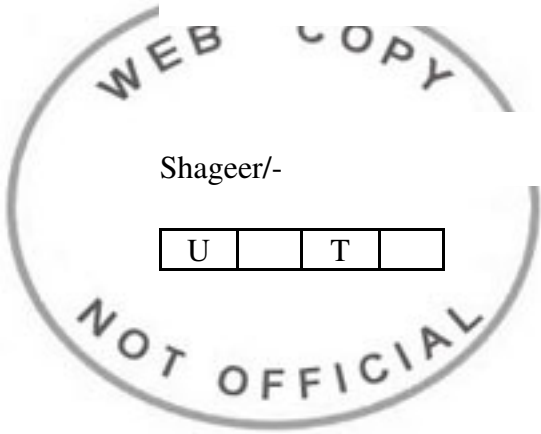
On 02.04.2015 none appeared on behalf of the complainant when the matter was adjourned. Today also none is appearing on behalf of the complainant.

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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C.1-497 of 2013.

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)