

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42137 of 2015

Arising Out of PS.Case No. -980 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Jai Prakash Jha Son of late Dayanand Jha Resident of Village- Pilakhwar
,P.s Rajnagar, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Devi wife of Jai Prakash Jha, D/o late Mod Narain Jha Resident
of Village- Chapahi p.s Pardaul, District madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary
For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 07-09-2015 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 processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 13 of the petition which reads as follows:

“ That, the petitioner being the husband of the complainant is still ready to keep the complainant with full honour and dignity at his home.”

It is further submitted that similar was the stand of the petitioner before the learned court below and the complainant accepted the offer of the petitioner but the learned Sessions Judge rejected the prayer for bail.

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Madhubani in connection with Complaint Case No. 980 of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance 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 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/-

(Dinesh Kumar Singh, J)

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