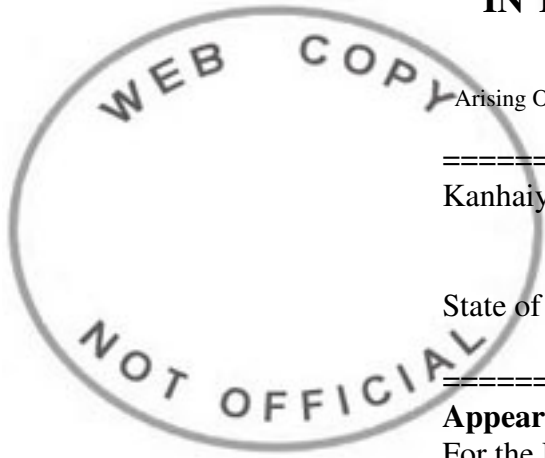




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.175 of 2015

Arising Out of PS.Case No. -454 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

=====

Kanhaiya Paswan

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Rai

For the Opposite Party/s : Mr. Ram Sewak Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-01-2015 Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture.

Initially, the complaint case was filed which was subsequently registered as a police case after being transferred under Section 156(3) of the Cr. P.C. The police during investigation, found the accusation false and submitted final form but subsequently, on protest, the cognizance has been taken.

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 9 of the petition which reads as follows:-

“That the petitioner is husband of the opposite party no.2 and he is ready to keep his wife with full dignity and respect.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sikrahna at Motihari, East Champaran in connection with Complaint Case No. 454C of 2013 arising out of Ghorasahan P.S. Case No. 151 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance when on her appearance, the petitioner will take the complainant to her matrimonial house 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 is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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