

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49769 of 2015

Arising Out of PS.Case No. -3897 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Sanjay Yadav Son of Dineshwar Rai R/o Village Murarpur, P.S. Janta
Bazar, District Saran

.... Petitioner/s

Versus

1. The State of Bihar

2. Babita Devi Wife of Sanjay Yadav, D/o Ganesh Yadav a resident of
Murarpur, P.S. Janta Bazar, District Saran, at present a resident of Sagahi
Korar, P.S. Jalalpur, District Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 29-10-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have been 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.

It is submitted by learned counsel for the petitioner

that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour as a ideal wife.”

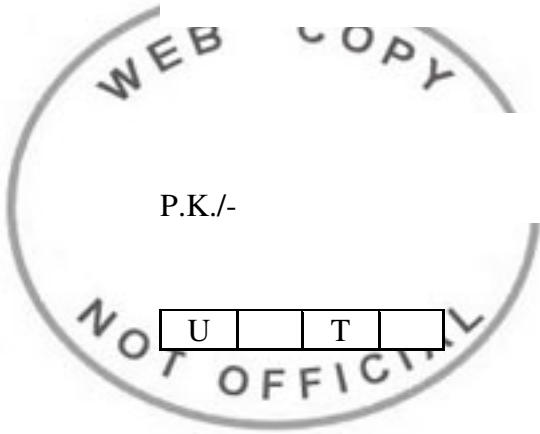
Moreover, the petitioner has filed Matrimonial Suit No. 383 of 2013 for restitution of conjugal life.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 3897 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile

the issue; and (iii) or if the complainant fails to appear before the learned court.



(Dinesh Kumar Singh, J)

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