

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50548 of 2015

Arising Out of PS.Case No. -1296 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Amit Kumar, S/o Late Krishna Sao, Resident of Mohalla- Shakuntala
Station Road, P.S. Biharsharif, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sarita Kumari Rani daughter of Sri Baidnath Das, resident of Village-
Pakaribarawan, P.S.- Pakaribarawan, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-11-2015 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 has filed Matrimonial Suit No. 231 of 2010

for restitution of conjugal life. The petitioner admits the marriage with the complainant and is still 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 even today the petitioner is ready to keep her with all dignity provided she agrees to live with the petitioner at Biharsharif at the house of the petitioner.”

Considering the present stand of the petitioner and complaint was filed in 2010, let the above named petitioner be released on provisional anticipatory bail for six months 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, Nawada in connection with Complaint Case No. 1296 of 2010, 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 six months 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)