

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53949 of 2015

Arising Out of PS.Case No. -421 Year- 2013 Thana -COMPLAINT CASE District- LAKHISARAI

Amarnath Chaube

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2

For the Opposite Party/s : Mr. R.S. Chaudhary (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. Earlier also the complainant filed Piparia P.S. Case No. 22 of 2011 with similar accusation wherein the petitioner has been granted bail. Though, the Complaint No. 83C of 2012 under The Prevention of Women from Domestic Violence Act was filed wherein the petitioner was directed to pay ₹5,500/- per month as interim maintenance further to pay ₹36,000/- for admission of the children

in the school and in pursuance to that the petitioner paid ₹16,500/- but since the complainant failed to produce the receipt showing admission of the children in the school the further payments were not made.

Considering the nature of accusation and the fact that in earlier case filed with similar accusation the petitioner has been granted bail, 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 CJM, Lakhisarai in connection with Complaint Case No. 421C of 2013, 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. 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 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

gets reluctant to reconcile the issue. The provisional bail of the petitioner will also be confirmed by the learned court below on substantive compliance of the order passed in the domestic violence matter.

(Dinesh Kumar Singh, J)

Amrendra/-

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