

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52349 of 2015

Arising Out of PS.Case No. -554 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Ajit Kumar son of Pradip Sao
 2. Sujit Sao @ Sujit Kumar, son of Pradip Sao
- Both are resident of Gate No. 38, Mainpura, P.S.-Patliputra, Town
and District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari, daughter of Umesh Sao, resident of Murgaoon, P.S.-
Hulasganj, District-Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2015 Petitioner No. 1 being husband of the complainant and petitioner No. 2 being elder brother of petitioner No. 1 are apprehending their arrest in a complaint case wherein processes were 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.

On instructions, it is submitted by learned counsel for the petitioners that petitioner No. 1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition. The relevant portion of which reads as follows:-

“.....and is
still ready to keep his wife with all dignity, love and
affection.....”

It is further submitted that similar was the stand of the petitioner No. 1 before learned Court below and petitioner No. 1 has filed an affidavit to that effect before learned Court below which gets reflected from the impugned order also.

Considering the present stand of the petitioner No. 1, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Jehanabad in connection with Complaint Case No. 554 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner No. 1 will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner No. 1 will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If

the complainant is reluctant to reconcile the issue.

Considering the present stand of petitioner No. 1, let the petitioner No. 2, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Jehanabad in connection with Complaint Case No. 554 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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