

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54445 of 2015

Arising Out of PS.Case No. -78 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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1. Pradeep Singh, S/o Sri Jaynandan Singh, resident of village Andama P.S. Bahadurpur (Phokalo O.P.) Distt. Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Singh, wife of Sri Pradeep Singh, daughter of Most Putul Devi, resident of village Andama P.S. Bhadurpur (Phasal O.P.) Distt. Darbhanga at present residing at village Hauthouri P.S. Hayaghat, Distt. Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha
For the Opposite Party/s : Mr. M.Rab (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323/34 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 informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the supplementary affidavit which reads as follows:-

“That though the O.P., No.2 has refused to live with the petitioner but evenafter the petitioner is ready

to keep the O.P. No.2 with all dignity and respect.”

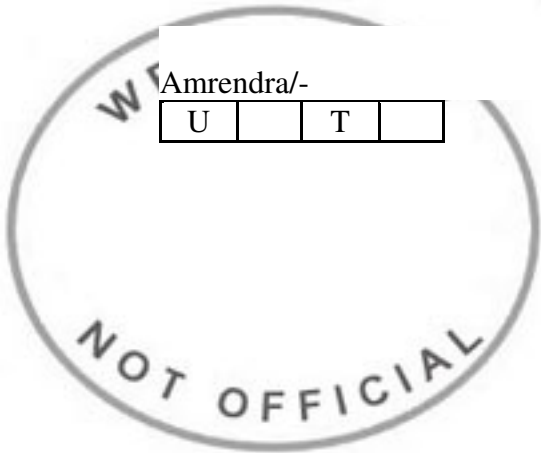
It is further submitted that though, the petitioner has filed Matrimonial Suit No. 115 of 2015 with a prayer for divorce but he is ready to withdraw the same if the informant resumes the conjugal life.

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 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 SDJM, Darbhanga in connection with Mahila P.S. Case No. 78 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets

reluctant to reconcile the issue.



Amrendra/-

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(Dinesh Kumar Singh, J)