

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57090 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -TARARI District- BHOJPUR

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Akhilesh Kumar Singh @ Brajesh Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015

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 and 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 in the year 1999. The informant earlier lodged a case being Bhagwan Pur P.S. Case No. 103 of 2013 levelling accusation under Sections 341, 323, 498A and 504 of the IPC wherein the petitioner has been granted bail on the basis of compromise. The petitioner admits that there are two children out of wedlock aged about 12 and 13 years and the informant is still residing in the house of the informant. It is

further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

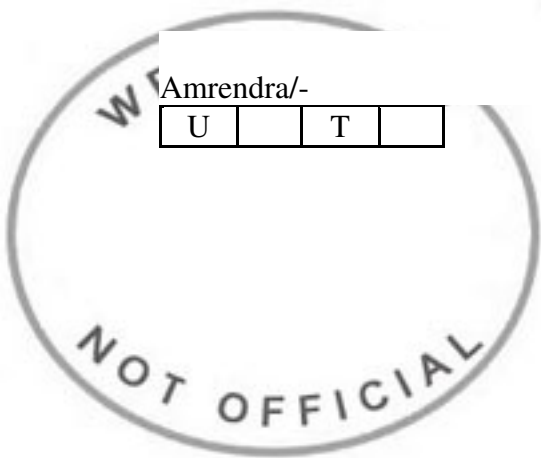
“That the petitioner is husband of the victim and he is ready to keep his wife”

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 JM, 1st Class, Bhojpur at Ara in connection with Tarari P.S. Case No. 55 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.



(Dinesh Kumar Singh, J)