

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52697 of 2015

Arising Out of PS.Case No. -329 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Dipendra Mishra, son of Nawal Kishore Mishra

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-11-2015

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/34, 406 of the Indian Penal Code.

The basic accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of three children out of the wedlock. Moreover, the petitioner 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 which reads as follows:-

"13. ...the petitioner is ready to keep the victim peacefully...."

It is further submitted that petitioner has also filed

Matrimonial Suit No.128 of 2013 for restitution of conjugal rights.

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 Judicial Magistrate, 1st Class, Sikerhana at Motihari in connection with Complaint Case No.329C 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.

(Dinesh Kumar Singh, J)

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