

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38909 of 2014

Arising Out of PS.Case No. -1103 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAINT CASE
District- BHABHUA (KAIMUR)

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Devanand Ram, S/o Ramyas Ram, Resident of Village Mahuwari, P.S. Ramgarh, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rita Devi, W/o Devanand Ram, Resident of Village Mahuwari, P.S. Ramgarh, District Kaimur at Bhabua.

At present address Resident of Village Sawat, P.S. Durgawati, District Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav,APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-02-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

On instruction, it is submitted by the leaned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to the effect is mentioned in paragraph 9 of the petition, which reads as follows :

“9. That, it is humbly submitted
and categorically stated that the petitioner

assert that he is still ready to keep to the complainant with full love and dignity.”

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kaimur at Bhabua, in connection with Complaint Case No.1103 of 2013 (Trial No.4056 of 2014), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Let the learned court below issue notice to the complainant and 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 within one year by the learned court below in three eventualities: (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

(Dinesh Kumar Singh, J)

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