

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44233 of 2014

Arising Out of PS.Case No. -1797 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Shambhu Ram Son of Jagarnath Ram Resident of village- Bahuara, Police
Station- Barhariya, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi Wife of Shambhu Ram, daughter of Sukdev Ram resident
of village- Bahuara, Police Station- Barhariya, District- Siwan. At
Present Resident of village- Sohagpur, Police Station- Hathua (Mirganj),
District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Anita Kumari (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 31-03-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
processes have been directed to be issued after cognizance being
taken for the offences punishable under Sections 323, 498A and
406 of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to the complainant-opposite
party no. 2 vide order dated 15.12.2014 on submission of learned
counsel for the petitioner that the petitioner is ready to keep the

complainant as wife with full dignity and honour. Statement to that effect has been made in para 11 of the petition, which reads as follows:- **“That the petitioner is still ready to keep the complainant as a wife full honour and dignity.”** The petitioner and complainant are present. The marriage between the petitioner and the complainant and birth of two children are admitted facts.

The complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 20th of April, 2015 when the petitioner will take the complainant and children to keep them with dignity and honour.

Considering the present stand of the parties, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 1797 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

(Dinesh Kumar Singh, J)

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