

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46534 of 2014

Arising Out of PS.Case No. -3217 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Prabhu Pal son of Gena Pal, resident of Village-Kot Narahawa, Police
Station-Gopalpur, District-Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Shanti Devi, wife of Prabhu Pal, daughter of Vishwanath Pal, resident of Village-Kot Narhawa, Police Station-Gopalpur, District-Gopalganj. At present resident of Village-Bhagwanpur, Police Station-Tareya Sujan, District-Kushinagar(Uttar Pradesh)

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Umesh Kumar Singh

For the Opposite Parties : Mr. Rita Verma(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-04-2015 Petitioner being 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 punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

The factum of marriage between the complainant and the petitioner and birth of two children are admitted facts.

On instructions, it is submitted by learned counsel for the petitioner that petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 18 of the petition. The relevant portion of which reads as follows:-

“.....if the complainant is ready to live with the petitioner as wife, the petitioner is ready to keep as a wife with full dignity.....”

A supplementary has been filed to the effect that petitioner has not solemnized second marriage. A statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

“That it is submitted that according to information given by the Pairviar, the petitioner has not solemnized his second marriage”.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before learned Court below on 4th of May, 2015 when the petitioner will take the informant along with their children to her matrimonial house to keep them with dignity and honour.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, 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,

Gopalganj in connection with Complaint Case No. 3217 of 2013, Trial No. 4865 of 2014.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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