

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42761 of 2014

Arising Out of PS.Case No. -125 Year- 2014 Thana -BAJPATTI District- SITAMARHI

=====

1. Rajesh Kumar Son of Late Sukhdeo Lal
2. Mukesh Kumar Son of Late Sukhdeo Lal Resident of Village - Madhopur
Chaturi, P.S.- Bajpatti, District -Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Rina Sinha (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 03-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the informant and petitioner no.2 being the brother of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 498A, 324, 307, 506 and 120B of the Indian Penal Code.

The accusation is of torture with specific with regard to causing burnt injury. The factum of marriage between the petitioner and the informant having three children is admitted fact.

It is submitted by learned counsel for the petitioners that this is third case as earlier two cases were also lodged by the informant with similar accusation. Though, the petitioner has filed Matrimonial Case No. 217 of 2013 for divorce but he is ready to

withdraw the same and also ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition, relevant portion of the same reads as follows:-

“That... the petitioner no.1 is still inclined to keep and maintain her wife with all honour and dignity”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 1st of September, 2015 before the learned court below when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti Case No. 125 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner no.1 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.

Considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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 Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti Case No. 125 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--