

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32476 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -SABOUR District- BHAGALPUR

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Rohit Kumar Singh @ Rohit Kumar Son of Sri Tarun Kumar Singh

.... Petitioner/s

Versus

1. The State of Bihar

2. Amrita Kumar, W/o Rohit Kumar Singh @ Rohit Kumar, d/o Sunil
Kumar Samar,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. G.S. Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and 31 of The Protection of Woman from Domestic Violence Act.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that section 31 of The Protection of Woman from Domestic Violence Act has no application as no protection order has been passed under the said Act. On instruction, he further submits that the petitioner is ready to keep the informant as wife with full dignity and honour. a statement to that effect has been made in para 16 of

the petition which reads as follows:-

"16. ...that he was/is always ready to keep his wife with full dignity and regard..."

Petitioner admits his marriage with the informant.

On instruction, learned counsel for the informant submits that the informant accepts the offer of the petitioner.

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, Bhagalpur in connection with Sabour P.S. Case No.98 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 25th August 2015 when the petitioner will take the informant 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 informant fails to appear before the learned court below or (iii) if the informant gets

reluctant to reconcile the issue.

However, the informant will be at liberty to file an application for cancellation of bail of the petitioner, if the petitioner fails the undertaking given before this court.

(Dinesh Kumar Singh, J)

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