

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36942 of 2015

Arising Out of PS.Case No. -766 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Azad Mali Son of Nago Bhagat@Nago Mali resident of Mohalla-
Andhana More, Noorsarai, Ps. Noorsarai, District Nalanda..

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munita devi S/o Ram Bachan Bhagat resident of Mohalla- Maliyagor, p.o
Dariyapur, Chainpura P.s Naubatpur, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 27-08-2015 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.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

“That being husband,

petitioner is ready to keep his wife with him under due respect and maintain her as per his capacity subject to proper co-operation of complainant.”

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Kumar Madhvendra, Judicial Magistrate, Ist Class, Danapur in connection with Complaint Case No. 766C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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.

(Dinesh Kumar Singh, J)

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