

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36865 of 2015

Arising Out of PS.Case No. -3907 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Manoj Kumar Chouhan @ Manoj Chauhan Son of Sri Bhajn Lal Chouhan R/o Village Jalalgarh, P.S. Jalalgarh, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

2. Krishna Devi Wife of Manoj Kumar Chouhan, D/o Shivshankar Singh Presently at village Tarabari, P.S. Tarabari, District Araria'

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-08-2015

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 the learned counsel for the petitioner that the petitioner has filed Matrimonial Case No. 183 of 2011 for restitution of conjugal rights thereafter present case has been filed. Moreover, the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 15 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with full honour and

dignity.”

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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 3907 of 2013, 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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