

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48026 of 2015

Arising Out of Complaint Case No.. -566 Year- 2011 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

- =====
1. Munar Sharma S/o Late Jiya Das,
 2. Kusheshwar Sharma S/O Munar Sharma
 3. Anita Devi, W/o Kusheshwar Sharma

.... Petitioner/s

Versus

1. The State of Bihar
2. Sakunti Devi, wife of Munar Sharma

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-10-2015

Heard learned counsels for the petitioners and the State.

The petitioner no.1 being the husband of the complainant and petitioner nos. 2 and 3 being the son from the first wife and daughter-in-law of petitioner no.1 are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that petitioner no.1 performed marries with the complainant 30 years ago after death of his first wife and he is still ready to keep the complainant as wife with full dignity and honour. A

statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That it is stated and submitted that petitioner no.1/husband is still ready to keep her as wife with heart and soul..."

Considering the present stand of petitioner no.1, let him 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 the learned SDJM, Madhepura in connection with Complaint Case No.566 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Considering the present stand of petitioner no.1, let petitioner nos. 2 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhepura in connection with Complaint Case No.566 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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