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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53308 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -PIPRAKOTHI District- EASTCHAMPARAN(MOTIHARI)

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Tuna Giri @ Ranjan Giri son of Late Bhagwan Giri, resident of village- Birchapra, P.S.- Piprakothi, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalti Devi wife of Tuna Giri @ Ranjan Giri, resident of village- Birchapra, P.S.- Piprakothi, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Smt. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 23-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 342, 380, 498A and 506/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

> *"That the petitioner again stated that he is ready to keep the informant with full honour and dignity and also undertake to maintain her if so she desire. The petitioner is poor daily wages earner, law abiding citizen and ready to abide any terms and conditions as laid down by this Hon'ble Court, if released on bail."*

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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipara Kothi P.S. Case No. 67 of 2015, 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 informant on her appearance 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 within one year by the learned court below in three

eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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