

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55248 of 2015

Arising Out of PS.Case No. -1247 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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1. Balwant @ Pukki Bind @ Balwant Bind Son of lal Bahadur@Dherhi Bind@lal Bahdur Bind
2. Lal Bahadur@Dherhi Bind@lal Bahadur Bind Son of latem Nusan Bind.
3. Champa Devi wife of lal Bahadur @Dherhi Bind@Lal Bahadur Bind All are Resident of Village- Chhotka Amaon, P.s Chand, District Kaimur(Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mithai Bind Son of late Badri Bind of Village- Darunpur, P.s Chand, District Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra
For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the complainant and petitioner nos. 2 and 3 being the parents 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, 379 and 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioners submits that the petitioner no.1 admits his marriage with the complainant and is

ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner no.1 is still ready to keep his wife with full dignity and honour.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 JM, Bhabhua (Kaimur) in connection with Complaint Case No. 1247 of 2014, 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 the petitioner no.1, let the above named 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 twelve 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 learned JM, Bhabhua (Kaimur) in connection with Complaint Case No. 1247 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Amrendra/-

(Dinesh Kumar Singh, J)

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