

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55877 of 2015

Arising Out of PS.Case No. -265 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Bipin Poddar, son of Sita Ram Poddar, resident of Village- Salamgarh,
P.S. K. Asthan, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mundrika Devi wife of Bipin Poddar, resident of Village- Hathra, P.S.-
K. Asthan, Distt.- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 09-12-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant

is apprehending arrest in a case registered for the offence

punishable under Section 341,323,504,506 and 498A/34 of

the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner

admits his marriage with the informant in 2010. The

informant herself deserted the petitioner when the petitioner

filed Matrimonial case No. 118 of 2015 on 5.6.2015 for



restitution of conjugal rights, thereafter the present case has been registered on 23.9.2015. The petitioner is still ready to keep the informant as wife with full dignity and honour though statement to the aforesaid effect has not been made in the petition. Similar was the stand of the petitioner before the learned court below but the informant inspite of notice failed to turn up before the learned Sessions Judge.

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM Biraul, Darbhanga in connection with K. Asthan P.S. Case No. 265 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and 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 by the learned court below in three eventualities – (i) if

the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)

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