

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46408 of 2015

Arising Out of Complaint Case No. -37 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE
District- GOPALGANJ

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1. Mantu Yadav son of Dular Yadav
 2. Dular Yadav son of Late Hari Shankar Yadav
 3. Bhueely Devi wife of Dular Yadav
 4. Krishna Yadav son of Dular Yadav
 5. Bindu Devi wife of Krishna Yadav
 6. Sabita Kumari @ Sabeeta Kumar, daughter of Dular Yadav
- Petitioner/s

Versus

1. The State of Bihar
 2. Pinki Devi wife of Mantu Yadav
- Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-09-2015 Heard learned counsels for the petitioners and the State.

Petitioner no.1 being the husband of the complainant, petitioner nos. 2 to 6 are the parents, brother, brother's wife and unmarried sister of the husband of the complainant are apprehending arrest in a complaint case wherein process has 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.

On instruction, learned counsel for the petitioners

submits that petitioner no.1 admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That inspite of all that, the petitioner no.1 is still ready to keep the complainant as a wife with full honour and dignity."

Considering the present stand of petitioner no.1, namely Mantu Yadav, 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 learned CJM, Gopalganj in connection with Complaint Case No.37 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 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 to 6, 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 CJM, Gopalganj in connection with Complaint Case No.37 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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