

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35936 of 2015

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1. Gaurav Kumar Singh @ Gaurav Singh S/o Arvind Prasad Singh, resident of Village- Rampatti, P.S.- Singheshwar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Kumari @ Devi D/o Sri Anil Kumar Singh, resident of Village- Jalsima, P.S.- Sonbarsa, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 29-10-2015

The present application has been filed for modification of order dated 02.07.2015 passed in Cr. Misc. No. 45904 of 2014 for extending the period of taking the complainant to her matrimonial house by this petitioner.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

On the joint submission of the parties that they are ready to reside together this Court vide order dated 02.07.2015

directed the petitioner to take the complainant within one week.

It is submitted by learned counsel for the petitioner that the petitioner could not comply the order but at present the petitioner is ready to take the complainant to keep her as wife with full dignity and honour.

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner.

In the circumstances, both sides agree to appear before the learned court below on 23rd of November, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, the order dated 02.07.2015 passed in Cr. Misc. No. 45904 of 2014 is modified to the extent that the petitioner above named is directed to 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 Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 1448C of 2013, subject to the conditions as laid down under

Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J)

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