

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27206 of 2015

Arising Out of PS.Case No. -77 Year- 2014 Thana -KEOTI District- DARBHANGA

=====

1. Shyam Choupal S/o Ramashis Choupal resident of village - Gejwa, P.S. Rahike, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi W/o Shyam Choupal D/o Chedi Choupal resident of village - Kadam Toli, P.S. Keoti, District - Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha
For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2015 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 offences under Sections 323,342,307 and 498A of the Indian Penal Code.

The basic accusation is of torture. It is also alleged that the petitioner made attempt to kill the informant by putting her on fire.

It is submitted that admittedly no injury was caused to the informant. The petitioner admits his marriage with the informant and the petitioner has filed Matrimonial

Case No. 115 of 2014 for restitution of conjugal rights. On instructions, it is submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 7 of the petition the relevant portion of which reads as follows:

“That the petitioner is husband of the informant and is ready to keep her with full dignity and honour.....”

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 Darbhanga in connection with Keoti P.S. Case No. 77 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 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)

Anil/-

U		T	
---	--	---	--