

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38822 of 2014

Arising Out of PS.Case No. -1263 Year- 2012 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

Prabhat Mallik, S/o Baidyanath Mallik, resident of village- Mallik Tola,
Ward No. 1, Singeshwar, Police Station- Singheshwar, District- Madhepura
..... Petitioner/s

Versus

1. State of Bihar
2. Shanti Devi, W/o Prabhat Mallik, D/o Late Shishiar Kumar Kha,
resident of village- Mallik Tola, Ward No.1, Singheshwar, Police
Station- Singheshwar, District- Madhepura
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate
For the Opposite Party/s : Mr. S.D.Singh(APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 420/34 of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-8 of the petition.

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 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 Chief Judicial Magistrate, Madhepura in connection with Complaint Case No. 1263C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

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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