

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36032 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -ROHTAS District- SASARAM (ROHTAS)

Dinesh Paswan

.... Petitioner/s

Versus

1. State of Bihar
2. Savita Devi, wife of Dinesh Paswan

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-08-2015

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 punishable under Sections 498A, 323 and 307 of the Indian Penal Code.

The accusation is of torture and making assault to the informant.

It is submitted by learned counsel for the petitioner that neither the informant received any injury nor any injury report is on record, a statement to that effect has been made in para 9 of the petition which reads as follows :-

"9. That the prosecution has not been able to brought on record any medical report of Vinod Paswan who is said to have received injury on his hand by tangi."

Learned counsel for the petitioner further submits that the petitioner admits his marriage with the informant having three children and accusation of torture has been levelled after 13 years of marriage. However, the petitioner is ready to keep the informant as wife and the children with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner has all affection with O.P. No.2 as well as his children and wants to keep them with full dignity and respect."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Rohtas P.S. Case No.30 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 for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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