

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34870 of 2015

Arising Out of Complaint Case No. -322 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Chandra Shekhar Yadav @ Chandra Shekhar Kumar Rai son of Sri Tunna Rai

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Kumari D/o Sri Ram Pukar Rai, W/o Chandra Shekhar Yadav @ Chandra Shekhar Kumar Rai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is 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 petitioner submits that the petitioner admits his marriage with the complainant and it is the complainant, who deserted the petitioner particularly at the time when the petitioner suffered fracture injuries. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 14 of the petition which reads as follows:-

"14. That this petitioner Chandra Shekhar Yadav is

willing to live with his wife with full honour, dignity and affection."

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, Dalsinghsarai, Samastipur in connection with Complaint Case No.322 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 complainant for her appearance. 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 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.

(Dinesh Kumar Singh, J)

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