

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35028 of 2015

Arising Out of PS.Case No. -207 Year- 2014 Thana -WARISNAGAR District- SAMASTIPUR

Rajesh Ram

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Binod Kumar (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 323, 379, 313, 504 and 498A of the Indian Penal Code.

The accusation is of torture and getting the pregnancy terminated.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest the accusation of termination of pregnancy. The petitioner filed Matrimonial Case No. 237 of 2013 for restitution of conjugal life wherein after receiving notices the informant appeared on 23.09.2013 but on 24.10.2013 she failed to appear, hence ex-parte judgment was

passed in favour of the petitioner. Learned counsel for the petitioner further submits that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner is still ready to keep the complainant with full honour and dignity.”

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 Judicial Magistrate, 1st Class, Samastipur in connection with Warisnagar P.S. Case No. 207 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 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)

Amrendra/-

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