

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46059 of 2015

Arising Out of PS.Case No. -1945 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Mithlesh Das son of Ram Das

.... Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi W/o Mithlesh Das

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. The petitioner filed Matrimonial Case No. 430 of 2014 for restitution of conjugal life and is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner has all his live for his wife, and he is ready and willing to keep her with all 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 SDJM, Bhagalpur in connection with Complaint Case No. 1945 of 2012, 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)

Amrendra/-

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