

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50282 of 2015

Arising Out of PS.Case No. -443 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Munna Das
 2. Sita Devi.
 3. Ram Avtar Das @ Ram Autar Das.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the complainant and petitioner nos. 2 and 3 being the parents of petitioner no.1 are 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.

It is submitted by learned counsel for the petitioners that with similar accusation, earlier Complaint Case No. 1819 of 2013 and Purnea Mahila P.S. Case No. 95 of 2014 were filed, though the complaint case ended into compromise and in police case the petitioners are on bail. It is further submitted that the petitioner

no.1 is 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:-

“That ..the petitioner is always ready to keep the opposite party no.2 if she desire to live with the petitioner no.1.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 JM, 1st Class, Purnea in connection with Complaint Case No. 443 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 complainant for her appearance. On her appearance, the petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 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.

Considering the present stand of the petitioner no.1, let the above named petitioner nos.2 and 3 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned JM, 1st Class, Purnea in connection with Complaint Case No. 443 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Amrendra/-

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(Dinesh Kumar Singh, J)