

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42199 of 2015

Arising Out of PS.Case No. -660 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Ashwani Kumar Gupta @ Ashwani Gupta @ Ashwani Kumar Prasad,
 2. Nagendra Gupta alias Nagendra Sah,
 3. Kalawati Devi,

.... Petitioner/s

Versus

1. State of Bihar,
2. Smt. Sunita Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-09-2015

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 parents of the petitioner no. 1 are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner no. 1 admits his marriage with the complainant and though O.P. No. 2 is suffering from HIV positive still he is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 7 of the petition

the relevant portion of which reads as follows:

“That petitioner no. 1 is the husbandand still ready to keep her with all love and respect. ”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Saran at Chapra in connection with Complaint Case No. 660 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

Considering the stand of 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Saran at Chapra in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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