

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47923 of 2014

Arising Out of PS.Case No. -1539 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Dharmendra Sahni S/o Hari Sahni resident of village- Tila Pakdi, P.S.-
Saraiya, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/o Dharmendra Sahni AND D/O Ram Pukar Sahni A/P
resident of village- Kamalpura (West tola), through Bakhra P.S.- Paru,
District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 03-04-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband is apprehending

arrest in a complaint case in which processes were directed

to be issued after cognizance being taken under Sections

323,504/34 and 498A of the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner

is ready to keep the complainant as wife with full dignity

and honour. Statement to the aforesaid effect has been made

in paragraph no. 11 of the petition, the relevant portion of

which reads as follows:

“....yet he is ready to keep his wife with honour and dignity.”

The petitioner has also filed matrimonial suit for restitution of conjugal rights.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Muzaffarpur in connection with Complaint Case No.1539 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if

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the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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