

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33966 of 2015

Arising Out of Complaint Case No. -1312 Year- 2007 Thana -MUNGER COMPLAINT CASE
District- MUNGER

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Udai Kumar Singh @ Udai Kumar

.... Petitioner/s

Versus

1. State of Bihar
2. Abha Rai, wife of Udai Kumar Singh, daughter of Ajay Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Smt. Sucheta Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The accusation is of torture.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"8 ... the petitioner is still ready to live with her with

modesty.."

A statement has been made in paragraph 12 of the petitioner that the petitioner is paying maintenance of Rs.6,000/- per month which reads as follows :-

"12. That the petitioner is paying maintenance to the complainant Rs.6,000/- per month which was deducted from his salary by the authorities and deposited in the A/C of complainant."

Considering the present stand of the petitioner and keeping in view of the fact that the complaint filed in 2007, let the above named petitioner be released on provisional anticipatory bail for three months 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 Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No.1312 C of 2007, 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)

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