

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50472 of 2015

Arising Out of PS.Case No. -586 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Rajesh Kumar, S/o Sri Ram Prit Mahto, resident of village- Singhia Ghat
Bujurg North, P.S.- Bibhutipur, District- Samsatipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi, W/o Rajesh Kumar, S/o Sri ram Prit Mahto, resident of
village- Singhia Ghat Bujurg North, P.S.- Bibhutipur, District-
Samastipur, at present D/o Sri Yogendra Mahto, resident of village-
Alampur Tarahkurva, P.S.- bibhutipur, district- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 02-11-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have 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 petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 16 of the petition which reads as follows:-

“That in spite of all the fact if

the complainant desire to returned back to forget every thing the petitioner is ready to look after the complaint as his wife with full dignity and honour .”

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri D.K. Bhaskar, Judicial Magistrate, Ist Class, Samastipur in connection with C.R. No. 586 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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