

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51798 of 2015

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1. Santosh Kumar son of Late Shankar Choudhary resident of Village-
Bhawanipur, Police Station- Chainpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Megha Devi, daughter of Shri Lal Babu Choudhary, resident of
Satuahi Tola, Jawahar Nagar, Birganiya, Police Station- Bairganiya, Police
Station- Bairganiya, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-11-2015

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 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is stated that the petitioner is ready to keep his wife with him and is ready to give undertaking to this effect....”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant failed to appear in spite of valid service of notice which gets reflects from paragraph no.4 of the impugned order which reads as follows:-

“The complainant did not appear before the court inspite of issuance of notice, for her appearance.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Complaint Case No. 322 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 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)

Amrendra/-

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