

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35491 of 2015

Arising Out of PS.Case No. -373 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Swastik Jee Sumon Son of Bishnudeo Mahto resident of House No. 641-C, First Floor, Kripadham, Near Govt. High School, New Vaddem, Vasco-da-Gama,Gao

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Indu kumari Daughter of Sri Krishna Mehta presently residing at village- Ratwar, Post office and Police Station- Obera, District- Aurangabad, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikki Singh
For the Opposite Party/s : Mr. A.L.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2015 Heard learned counsels for the petitioner and the State.

Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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. The marriage between the petitioner and the complainant on 09.07.2011 is admitted.

It is submitted by learned counsel for the petitioner that vide judgment dated 16.04.2014 passed by Ad hoc Senior Civil Judge, 'A', Vasco, Goa the marriage between

the petitioner and the complainant has been dissolved. The same has been brought on record as Annexure-3 to the petition whereas the present complaint was filed on 16.05.2014.

It is submitted by learned counsel for the complainant that in the matrimonial suit the decree was passed ex-parte but does not controverts the finding recorded in paragraph 7 of the aforesaid judgment which reflects that the complainant appeared in the matrimonial suit.

Considering the fact that after dissolution of marriage by a decree passed in matrimonial suit the present complaint was filed, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with Complaint Case No. 373 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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