

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33773 of 2015

Arising Out of PS.Case No. -126 Year- 2013 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar Srivastava @ Santosh Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the complainant is apprehending arrest in a protest-cum-complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 and 504/34 of the Indian Penal Code.

The basic accusation is of torture. Initially, the police case was registered but on finding the accusation false, final form was submitted which was accepted and thereafter on protest-cum-complaint, process has been issued.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Case No. 83 of 2011 for restitution of conjugal life and in pursuance to order passed therein, the daughter of the complainant went for some time to

matrimonial house. The petitioner is ready to keep the daughter of the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner being the husband is ready to keep his wife with full honour and dignity.”

It is further submitted that the similar was the stand of the petitioner before the learned court below when the daughter of the complainant accepted to reside at her native matrimonial house at Madhubani for which the petitioner did not agree since the petitioner wants to keep the daughter of the complainant at the place of employment as she used to create disturbance with regard to old parents and family members of the petitioner.

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 JM, Sadar, Motihari, East Champaran in connection with Complaint Case No. C-3095 of 2013, 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 and make all effort to reconcile the issue between the parties.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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