

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38370 of 2015

Arising Out of PS.Case No. -100 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Ghanshyam Pandit

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 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. The petitioner filed Matrimonial Suit No. 59 of 2014/1032 of 2014 for restitution of conjugal life and is still ready to keep 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 is ready to keep the complainant with all dignity and honour.”

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 30th of September, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 SDJM, Udakishanganj, Madhepura in connection with Complaint Case No. 100 U.K./2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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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