

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56216 of 2015

Arising Out of PS.Case No. -1345 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Rajendra Singh @ Rajendra Kumar

.... Petitioner/s

Versus

1. State of Bihar,
2. Hema Singh alias Hema Kumari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2015 Heard learned counsels for the petitioner and

the State.

The petitioner being 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 341,323,328,308/511,307,498A and 379 of the Indian Penal Code and section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of

the petition which reads as follows:

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

The complainant has filed Matrimonial Case No.204 of 2012 with a prayer for divorce and Maintenance Case No. 151 of 2012 for claiming maintenance. It is further submitted that the complainant in her S.A. has admitted that she does not want to reside with the petitioner.

Considering the filing of matrimonial suit with prayer for divorce and the statement of the complainant in S.A., let the above named petitioner be released on anticipatory bail 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Gaya in connection with Complaint Case No. 1345 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the complainant to resume conjugal life. In case she files such application before the learned court below then the



learned court below will issue notice to the petitioner to appear when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Anil/-

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