

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34275 of 2015

Arising Out of PS.Case No. -1298 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Kanhaiya Kumar S/o late Ramji Sah Resident of Village- Kalibagh, Jora Inar, P.s Bettiah(T), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manorama Devi D/o late Ramadhar Sah, W/o kanhaiya Kumar resident of Laeya Tola, Pipra chowk, P.s Bettiah Mufassil District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kr. Roy No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 15-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children.

The petitioner and the complainant are present in the Court.

Though, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority, but mediation could not be made due to the non-appearance of the petitioner. Counsel for the petitioner submits that it was due to his mistake he could inform the petitioner.

Counsel for the petitioner submits that the petitioner is ready to keep the complainant and the children with full dignity and honour. Though, statement to that effect has not been made in the petition.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner.

Both sides agree to appear before the learned court below on 15th January, 2016 when the petitioner will take the complainant and the children to keep them with 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two

sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 1298(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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