

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12523 of 2016

Arising Out of PS.Case No. -56 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Shailendra Mohan Jha, son of Guna Nand Jha, resident of Village-Antour,
P.S.-Bahera, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Runa Devi, daughter of Surendra Jha, resident of Village-Antour,
P.S.-Bahera, District-Darbhanga, presently resides at Village-
Ramouli, P.S.-Bahera, District-Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Jha

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

Petitioner being the husband of complainant is languishing in custody since 08.02.2016 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That petitioner is always ready to
keep the complainant with full dignity and honour.....”

It is submitted by learned counsel for the complainant that earlier also the complainant has filed a case

against the petitioner which ended into compromise and on undertaking of the petitioner to keep the complainant with dignity and honour but the petitioner has failed to comply the undertaking. However, the complainant is still ready to accept the offer of the petitioner, provided the petitioner will keep her with dignity and honour.

Considering the present stand of the parties, let the petitioner, above named, be released on provisional bail for one year 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, Benipur, Darbhanga in connection with Complaint Case No. 56 of 2014.

Both sides agree to appear before learned Court below on 18th of April, 2016 when the petitioner will take the complainant to her matrimonial house to keep her with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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