

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15122 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Hari Shankar Kumar, son of Sunil Sah @ Nepali Sah, resident of Village &
P.S-Pupari, District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari, wife of Hari Shankar Kumar, resident of Village-
Pupari, P.S.-Pupari, District-Sitamarhi, at present daughter of Late
Kailash Sah, resident of Village-Ram Nagara, P.S.-Riga, District-
Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were 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 petitioner admits his marriage with the complainant and is ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is
unfortunate husband of the complainant and always
ready to keep his wife(Complainant) with full

honour, dignity and comfort.”

It appears from the impugned order that petitioner was granted anticipatory bail by learned Sessions Judge, Sitamarhi vide order dated 16.02.2016 passed in ABP No. 216 of 2016 on the ground that petitioner will bring back his wife from her parents house, keep her with dignity and honour and produce before learned Court below along with his wife but it is submitted by learned counsel for the complainant that petitioner did not comply the order of Court below and made a false statement before learned Court below to keep the complainant with dignity and honour.

Considering the facts and circumstances of the case, this court is inclined to grant liberty to the petitioner again. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for a period of two months 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, Pupari at Sitamarhi in connection with Complaint Case No. 288 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below issue notice to the complainant. On appearance of the complainant the petitioner will take the complainant to her matrimonial house to keep her

with full dignity and honour.

The provisional bail of the petitioner will be confirmed on substantial restoration of matrimonial harmony between the parties. However, if the substantial harmony is not restored due to the latches on the part of the petitioner then in that eventuality the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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