

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3043 of 2016**

Arising Out of PS.Case No. -74 Year- 2014 Thana -MAHILA P.S District- SUPAUL

=====

Naresh Choudhary

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar, Adv.

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

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 19-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 323/34 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 informant. The petitioner filed Matrimonial Case No. 109 of 2013 for restitution of conjugal right and is still ready to keep the informant 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 .....the petitioner was always ready to keep his wife at his place with full honour and dignity and had even lodged the case under Section 9 of the Act on 29.09.2013 itself, for restitution of conjugal rights.....”*

Considering the present stand of the petitioner, 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 JM, 1<sup>st</sup> Class, Supaul in connection with Supaul (Mahila) P.S. Case No. 74 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

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 informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|