

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3446 of 2016

Arising Out of PS.Case No. -741 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Birendra Sharma S/o of Keval Sharma, resident of village- Raipura, P.S.-
Katiya, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

2. Shanti Devi, Daughter of Anirudh Sharma, presently residing at her
Naihar at Village- Hararava, P.O.- Pachdevri, P.S.- Katiya, District-
Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok, Advocate

For the Opposite Party/s : Mr. Arun Kumar(App)

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

4 28-06-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have 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 the learned counsel for the

petitioner that petitioner admits the marriage with the complainant, but differences arose when the complainant got pregnant and gave birth of second child. Consequently the petitioner filed Matrimonial Suit No. 58 of 2014 on 13.03.2014 thereafter the present case was filed on 25.03.2014.

Mr. Chandra Kant has filed Vakalatnama on behalf of the complainant, but none is appearing on behalf of the complainant.

It is submitted by the learned counsel for the petitioner that a supplementary affidavit has been filed to the effect that a joint compromise petition has been filed before the learned lower court. The same has been brought on record as Annexure-4 to the supplementary affidavit, wherein he stipulated that both side decided to part ways.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for two month 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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Gopalganj, in connection with Complaint Case No. 741 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The learned court below will confirm the provisional bail of the petitioner after verifying the

factum of filing of compromise petition.



(Dinesh Kumar Singh, J)