

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3716 of 2016

Arising Out of PS.Case No. -75 Year- 2012 Thana -SIRDALA District- NAWADA

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1. Ramfal Rajbanshi S/O Late Karu Rajbanshi (Husband),
2. Sabita Devi W/O Late Karu Rajbanshi (Mother-in-law),
3. Manju Devi W/O Late Mithilesh Rajbanshi (Gotani) All resident of
Village/Mohallah- Kadwara, P.S.- Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi w/o Ramfal Rajbanshi D/o Sakaldeo Rajbanshi, resident of
village- Kadwara, P.S.- Sirdala, District- Nawada, at present- village + P.S.-
Sitamarhi, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the informant
and petitioner nos. 2 and 3 being the mother and brother's wife of
petitioner no.1 are apprehending arrest in a case registered for the
offences punishable under Sections 498A, 323 and 379 of the
Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the
petitioner no.1 admits his marriage with the informant and birth of
a female child and is ready to keep the informant as wife with full
dignity and honour. A statement to that effect has been made in

para 9 of the petition which reads as follows:-

“That it is further submitted that the petitioner no.1 is husband of the informant and ready to keep the informant with all dignity and honour and there is one female child with the wedlock of both.”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 ACJM-V, Nawada in connection with Sirdala P.S. Case No.75 of 2012, 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 no.1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.1 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.

Considering the present stand of the petitioner no.1, let the above named petitioner nos. 2 and 3 be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned ACJM-V, Nawada in connection with Sirdala P.S. Case No.75 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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