

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6539 of 2016

Arising Out of PS.Case No. -1703 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Dilip Kumar Sah S/o Permeshwar Sah @ Permeshwer Prasad Swarnkar
Resident of Village- Madarghat, Kesba, P.S.- Kasba, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Devi @ Kumari Khushboo, W/o Dilip Kumar Sah, D/o Jai
Prakash Swarnkar, Resident of Hanuman Nagar, P.S.- Araria, District-
Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-02-2016 Heard learned counsel for the petitioner and 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 Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 12 of the petition which reads as follows:-

“That the petitioner is ready to

keep his wife with full dignity and honour.”

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 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 the like amount each to the satisfaction of learned Sri Ashish Ranjan, J.M., Ist Class, Araria in connection with Complaint Case No. 1703C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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