

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11145 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

1. Anil Tiwary son of Harendra Tiwary Resident of Villag- Parewa,
Babhantoli, Police Station- Shikarganj, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Devi Wife of Anil Tiwary Resident of Village- Parewa,
Babhantoli, Police Station Shikarganj, District- East Champaran,
daughter of Devendra Pathak, Resident of Village- Parewa Kothi, Police
Station Shikarganj, District- East Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 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 on instruction that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is
husband of the complainant/Opposite Party No. 2

and he is ready to keep her with full respect and dignity.”

Considering the aforesaid stand of the petitioner, 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 six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sikrahna, Dhaka, East Champaran in connection with Trial No. 5618 of 2015, arising out of Complaint Case No. 74 of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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