

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12553 of 2016

Arising Out of PS.Case No. -598 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Hira Sao @ Hira Thathera, son of Karu Sao @ Karu Thathera, resident of
Village-Mahadeo Talab, P.S.-Kutti Bazar, District-Giridih, Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi, daughter of Late Suresh Prasad, wife of Hira Sao,
resident of Mohalla-Sultanpur,(Behind Math), P.O+P.S.-Danapur,
District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-03-2016

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 Sections 498A, 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 77 of 2014 for the restitution of conjugal rights. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That it is humbly submitted

that the petitioner is still ready to keep the

complainant along with him at his native place for which the petitioner has already filed matrimonial case No. 77 of 2014 for restitution of conjugal right.”

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 one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Danapur, Patna in connection with Complaint Case No. 598(C) of 2014.

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 one year (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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