

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11385 of 2016**

Arising Out of PS.Case No. -838 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

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Raju Mahto S/o Late Bishuni Mahto resident of Village - Punaura Ward no.  
5, P.S. Sitamarhi District - Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Anita Devi W/o Sri Raju Mahto D/o Sri Satyanarayan Mahto at present  
residing at Village Punaura Ward no. 2 P.S. Sitamarhi District Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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

2      08-03-2016                      Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has 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.

Learned counsel for the petitioner submits that the 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 6 of the petition which reads as follows:-

*“That the petitioner is the husband of the complainant and always ready to keep her with all*

*respect and dignity....”*

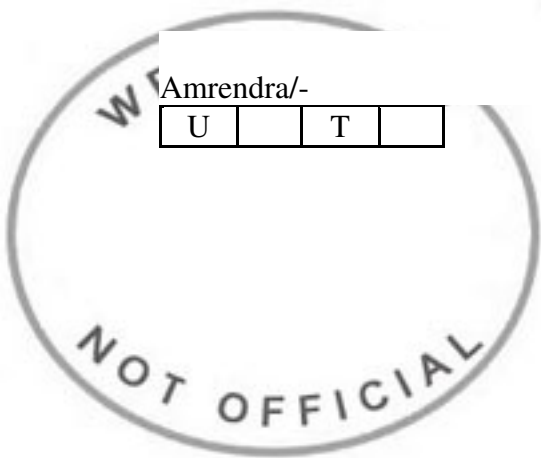
Similar was the stand of the petitioner before the learned court below but the complainant but the issue could not be reconciled.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 SDJM, Sitamarhi in connection with Complaint Case No. 838 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant

gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)