

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11423 of 2016

Arising Out of PS.Case No. -736 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Bansh Lal Mahto S/o Ram Lagan Mahto, Resident of village- Nonahi,
P.s.- Parihar, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Binita Devi, W/o Banshlal Mahto, Daughter of Hari Narayan Mahto, at
present resident of village- Got Banauli, District- Mahotari, Nepal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-03-2016

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. The complainant had earlier filed Complaint Case No. 1290 of 2013 against the petitioner and others which ended into compromise. However, 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 8 of the petition which reads as follows:-

“That the petitioner is ready
to keep the complainant with full dignity and
honour”

Considering the present 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, 1st Class, Sitamarhi
in connection with Complaint Case No. C 736 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 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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