

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12712 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Jitendra Yadav @ Jitendra Kumar, son of Raj Kishor Yadav, resident of
Village-Bulaki Bigha, P.S.-Jehanabad, District-Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Shila Devi, wife of Jitendra Yadav, resident of Village-Bulaki Bigha, P.S.-Jehanabad, District-Jehanabad. At present daughter of Baleshwar Yadav, resident of Village-Sadipur(Tola-Pokhappar, P.S.-Karpi (O.P. Bansi), District-Arwal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh

For the Opposite Party/s : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-03-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case filed with accusation under Sections 341, 323, 498A, 34 of the Indian Penal Code, wherein processes were directed to be issued after cognizance being taken.

The basic accusation is of torture after ten years of marriage.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 80 of 2015 for the restitution of conjugal life. 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 6 of the petition, the relevant portion of which reads as follows:-

“That the petitioner is husband of the complainant and he did not make any torture to the complainant and ready to keep the complainant with full dignity and respect.....”

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 Judicial Magistrate, 1st Class, Jehanabad in connection with Complaint Case No. 266 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 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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