

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12507 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

=====

Rajesh Kumar Choudhary @ Pappu Choudhary, son of Late Jeevan Choudhary, resident of Village-Kapan, P.S.-Bibhutipur, District-Samastipur
..... Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi, wife of Rajesh Kumar Choudhary @ Pappu Choudhary, resident of Village-Kapan, P.S.-Bibhutipur, District-Samastipur

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Sangita Sharma (App)

=====

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, 323, 379 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 birth of six children. The complainant is still residing with the petitioner but on suppression of facts the present complaint has been filed. 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 9 of the petition which reads as follows:-

“That although the

complainant is living with the petitioner but the petitioner hereby makes statement that he loves his family and is always ready to keep the complainant with full dignity.....”

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, Samastipur in connection with Complaint Case No. 128 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)

Shageer/-

U		T	
---	--	---	--