

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14485 of 2016

Arising Out of PS.Case No. -383 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Janeshwar Ram son of Late Baij Nath Ram resident of village- Itwa
Bigha, P.S. Jamhor District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Binda Devi W/o Janeshwar Ram D/o Shanker Singh, resident of village-
Bakhari P.S.- Fesar, District- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh
For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2016 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 learned Sessions Judge has disposed of the anticipatory bail application of the petitioner on the ground that summons have been issued, but now it is submitted by learned counsel for the petitioner that non-bailable warrant of arrest has been issued. A statement to that effect has been made in para 8 of the petition which reads as

follows:-

“That after filing the complaint case, cognizance has been taken against the petitioner on 06.04.2015 offence under Section 498A of I.P.C and summon has been issued to appear the petitioner. But he could not appear then non-bailable warrant has been issued and the police reached at the door of the petitioner to arrest”

It is further submitted that petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is ready to keep the opposite party 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 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, Aurangabad in connection with Complaint Case No. 383 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.

Shageer/-

(Dinesh Kumar Singh, J)

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