

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15983 of 2016

Arising Out of PS.Case No. -1726 Year- 2013 Thana -COMPLAINT CASE District- BANKA

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Raju @ Raju Das @ Gaju Das Son of Prakash Das Resident of Village-
Pakwara, Police Station- Hansdiha, District-Dumka (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Jule Devi Wife of Raju Das, Daughter of Puren Das Resident of
Village- Pawara Rampur, Police Station-Bounsi, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Opposite Party/s : Mr. Smt. Indu Kri.Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 12-07-2016

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case filed with the accusation under Sections 323, 307, 379, 498A, 504 and 506 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

The basic accusation is of torture and making attempt to kill the complainant by causing burn injury.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with

full dignity and honour. Statement to that effect has been made in paragraph 16 of the petition, which reads as follows:-

“That in view of the facts stated above the petitioner would be constraint to say that he would be still ready to keep her provided she come forward to accept the petitioner as her husband and graciously ready to consummate the marriage. It is categorically stated that the marriage has not consummated at all even as per complaint as well.”

The notices were issued to complainant-opposite party no. 2 vide order dated 24.05.2016. The office note dated 11.07.2016 reflects that ordinary process of notice has been received by opposite party no. 2 but none is appearing on behalf of opposite party no. 2. It is further submitted by learned counsel for the petitioner that actually no injury was caused to the informant.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Banka in connection with

Complaint Case No. 1726 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complainant to resume conjugal life. If such an application is filed by the complainant before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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