

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17654 of 2016

Arising Out of PS.Case No. -2437 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Dr. Ranjan Kumar son of Sri Bhagwan Singh resident of village - Baksawa,
P.S. - Turkauliya, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mala Kumari daughter of Chandrashekhar Prasad resident of village -
Puraina, P.S. - Dumariyaghat, District - East Champaran.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016

Heard learned counsels for the petitioner and
the State.

The petitioner being husband of the
complainant is apprehending his arrest in a Complaint Case
wherein process has been directed to be issued after cognizance
being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that
the petitioner has filed Matrimonial Case No. 44 of 2015 for
restitution of conjugal rights and is still ready to keep the
complainant as wife with full dignity and honour. Statement to
that effect has been made in para-12 of the petition which reads
as follows:

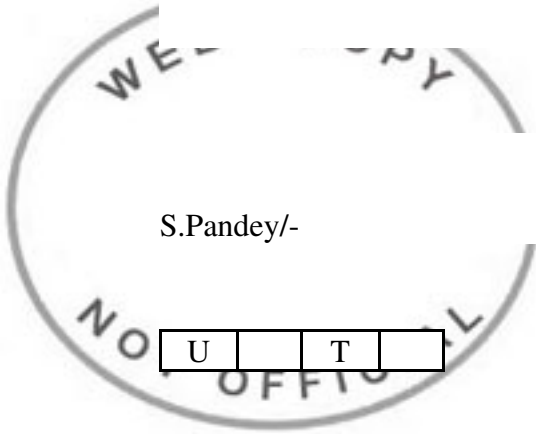
“12. That, be that as it may, the petitioner has no grievance against his wife and he, however, undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Trial No. 1763 of 2016 arising out of Complaint Case No. 2437 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii)

if the complainant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)