

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17730 of 2016

Arising Out of PS.Case No. -731 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Kamlesh Singh, son of Sri Batoran Singh, resident of village- Lodipur Jafra,
P.S. Nardiganj, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Madavi Devi, wife of Kamlesh Singh, daughter of Anil Singh r/o Maghra,
P.S. Deepnagar, Distt. Nalanda

.... 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 in which processes were directed to be issued after cognizance being taken under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits the marriage with the complainant and ready to keep the complainant with full dignity and honour. Statement to that effect has been made in para-8 of the petition which reads as follows:

“That the petitioner is the husband and he is ready to keep her (the complainant) as wife with honour and dignity but the complainant herself does not want to live with the

petitioner.”

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 Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Complaint Case No. 731 C of 2015, 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)

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