

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20069 of 2016

Arising Out of PS.Case No. -1477 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Jagjeet Singh, son of Manoj Singh, resident of Village-Gamhariya, Hardiya,
P.S.-Raxaul, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibha Devi, wife of Jagjeet Singh, daughter of Ranjeet Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-05-2016

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 and the complainant herself deserted the petitioner. The impugned order reflects that in spite of notice being issued to the complainant, the complainant failed to appear before learned Court below. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition, the relevant portion of which reads as follows:-

“That the petitioner is ready
to keep her if the O.P. No. 2 is ready to live in joint
family.....”

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,
Bettiah, West Champaran in connection with Complaint Case
No. 1477C of 2014, Trial No. 1888 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 one year (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)

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