

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21140 of 2016

Arising Out of PS.Case No. -696 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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1. Krishna Mohan Ojha @ Gota Ojha S/o Rajendra Ojha, Resident of village- Pairedih Kauri Bahiyar, P.S.- Nagar P.S. Godda, District- Godda (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Parvati Devi, W/o Krishna Mohan Ojha @ Goto Ojha, D/o Chandrashekhar Pandey, Resident of village- Jorarpur Uparnima, P.S.- Bounsi, District- Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Damodar Pd.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-05-2016 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 Sections 498A, 323, 504, 379 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 is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is ready
to keep the complainant with full dignity and honour

and also maintain the complainant, but she does not want to live with the petitioner.”

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-Judge III cum A.C.J.M, IV, Banka in connection with Complaint Case No. 696 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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