

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44690 of 2015

Arising Out of PS.Case No. -481 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

Tarkeshwar Prasad s/o Janak Prasad Resident of Village- Parsauni, P.S.
Paharpur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Umapati Devi W/o Tarkeshwar Prasad d/o Laxman Singh Resident of
Village- Parsauni, P.S. Paharpur, District- East Champaran At Present
Residing at Village- Tola Govindpur, Mauza- Shreepur Bazar, P.s.
Sugauli, district - East Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 22-02-2016

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 wherein
process has been 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 that the petitioner admits his marriage with the complainant and filed Matrimonial Suit No. 88 of 2014 for restitution of conjugal rights. The petitioner is ready to keep the complainant/informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is ready to keep her with him with full dignity and due respect.”

Both sides agree to appear before the learned court below on 8th March, 2016 when the petitioner will take the complainant to keep her as wife with dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his 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 Judicial Magistrate, Ist Class, East Champaran, Motihari in connection with Complaint Case No. 481 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be

confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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