

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46015 of 2015

Arising Out of PS.Case No. -2441 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Raj Kumar @ Raj Kumar Sah Son of Kishori Sah, R/o Mohalla- Purani
Gudari, Ward No. 10, P.S. Bettiah (T), District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sitamani Devi, wife of Raj Kumar @ Raj Kumar Sah D/o Buni Sah, at
present resident of village- Phulwariya, P.s. Lauriya, District- West
Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04 07-04-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 497 of the Indian Penal Code.

The basis accusation is of torture and having adulterous relationship with the sister-in-law of the petitioner.

Petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that the petitioner admits the marriage with the

complainant and ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-9 of the petition which reads as follows:-

“That, it is stated that the petitioner is still ready to keep the O.P. No. 2 with her full dignity and love, but this is the o.p. no. 2 who is not ready to live with the petitioner by saying that until and unless, he is not leave the accused no. 2 and her four children, she will not live with him. Which is complete against the humanity as well as principles of joint family. The petitioner also filed suit under Section 9 of the Hindu Marriage Act vide Matrimonial Suit No. 46 of 2015 which is still pending in the court of learned Principal Judge, Family Court, Bettiah, West Champaran.”

It is further submitted that the petitioner filed Matrimonial Suit No. 46 of 2015 for restitution of conjugal rights.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner, but she is apprehensive due to past conduct of the petitioner.

Both the petitioner and informant appear before the learned court below on 19th of April, 2016 when the petitioner will take the complainant to keep her as wife with full 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 Sub-Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Complaint Case No. 2441C of 2013, 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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