

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32645 of 2016

Arising Out of PS.Case No. -647 Year- 2015 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Sikandar Mochi Son of Ramsagar Mochi, resident of Village- Chilmil, P.S.-
Muffasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi W/o Sikandar Mochi, D/o Bholu Mochi resident of Village-
Muradpur, P.S.- Birpur, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
For the Opposite Party/s : Mr. Sri Akshay Lal Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture and birth of two children.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 15 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife at her

matrimonial home with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 SDJM, Begusarai in connection with Complaint Case No. 647C 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 for her appearance when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

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