

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31042 of 2016

Arising Out of PS.Case No. -667 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAINT CASE
District- BHABHUA (KAIMUR)

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Nagina Singh, son of Jhillu Singh, resident of village: Sonaw, P.S : Chand
District : Kaimur (Bhabhua).

.... Petitioner

Versus

1. The State of Bihar.
2. Santoshi Devi, wife of Nagina Singh, D/o Shivpujan Singh, at present
resident of Madurna, P.S. : Chainpura, District:- Kaimur (Bhabhua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr. Ram Sumiran Roy

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

ORAL ORDER

2 09-08-2016

Heard learned counsel for the parties.

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 sections 498A, 406 of the Indian Penal Code.

The basic accusation is of torture.

It appears that the learned Sessions Judge granted anticipatory bail to the petitioner since both sides were ready to resume conjugal life with the condition that the petitioner will bring the complainant to her matrimonial house to keep her with full dignity and honour and convince the learned Magistrate about



restoration of matrimonial harmony hence the learned Magistrate was directed to release the petitioner on anticipatory bail. But since the complainant refused to go to matrimonial house, the petitioner could not furnish the bail bond. Thereafter the petitioner filed an application on 25.5.2016 to the effect that the complainant is not ready to resume the conjugal life.

Since the petitioner was granted anticipatory bail by the learned court below with certain condition and this Court is unable to reach to a conclusion as which of the either party failed to comply the undertaking, this Court, for the present, is not inclined to entertain the anticipatory bail application of the petitioner.

In view of the fact that the impugned order reflects that the petitioner offered to keep the complainant with full dignity and honour and the complainant accepted the offer, it is a case for consideration of the prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 667/2015, Tr.No. 2384/2015 pending in the court of A.C.J.M., Kaimur at Bhabhua. It is expected from the learned court below to dispose of the application preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

Surendra/-

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