

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33560 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -SAKSOHRA District- PATNA

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Rajeev Kumar son of Sukho Ram resident of village Laxhmipur P.S.
Saksohra District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gunja Kumari wife of Rajeev Kumar resident of village Laxmipur P.S.
Saksohra District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 03-10-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341 and 323/34 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 informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is husband and has falsely been implicated in this case and ready to keep his wife with full dignity honour and respect.”

It is further submitted that the informant earlier filed Complaint Case No. 696(C) of 2014 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act wherein petitioner has been granted provisional anticipatory bail for six months by learned Additional District & Sessions Judge-IV, Patna vide order dated 19.04.2016.

Counsel for the informant submits that in spite of the undertaking in the earlier case that the petitioner will ready to keep the informant with dignity and honour, the petitioner has violated the undertaking as a result the informant has filed application for cancellation of the provisional bail of the petitioner before the learned court below. However, the informant is ready to accept the offer of the petitioner for resuming the conjugal life.

Both sides agree to appear before the learned court below on 24th of October, 2016 when the petitioner will take the informant 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 six months 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 Additional Chief Judicial Magistrate, Barh, District - Patna in connection with Saksohra P.S. Case No. 09 of 2016, 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 by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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