

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33270 of 2016

Arising Out of PS.Case No. -2952 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

Umeshwar Prajapati Son of Nifikar Prajapati Resident of village- Sansar
Bantaria, P.S.- Bhorey, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Umeshwar Prajapati, daughter of Bunela Prajapati
Resident of village- Nona Pakad (Kawalchak), P.S.- Vijaipur, District-
Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

=====

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

02/ 16-08-2016

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 Sections 406 and 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 is ready to keep the complainant as wife with full

dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full love and affection.”

It is further submitted by learned counsel for the petitioner that similar was the stand of the petitioner before the learned court below but the complainant failed to appear in spite of service of notice which gets reflected from the impugned order. It is also contended that the complainant has performed second marriage. Statement to that effect has been made in paragraph 9 of the petition.

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 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, Gopalganj in connection with Complaint Case No. 2952 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the

complainant 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) 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)

DKS/-

U		T	
---	--	---	--