

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33588 of 2016

Arising Out of PS.Case No. -702 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kunal Mahto son of Sri Shivdhar Mahto resident of Village - Kanauhli, P.S.
- Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushila Devi Wife of Sri Kunal Mahto, D/o Mannu Mahto resident of
Village - Rampur Narendra, P.S. - Nauwatpur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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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
complainant is apprehending his arrest in a complaint case filed
with accusation under Sections 147, 323, 341, 406 and 498A of
the Indian Penal Code wherein process has been directed to be
issued after cognizance being taken.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant. Though, the petitioner has filed Matrimonial Suit No.

639 of 2015 with a prayer for judicial separation but the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 4 of the supplementary affidavit, which reads as follows:-

“That petitioner is ready to keep the wife in her matrimonial home with full dignity.”

It is further submitted that the petitioner undertakes to withdraw the matrimonial suit, though, no such statement has been made in the petition or supplementary affidavit.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 26th of October, 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 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, Danapur in connection with

Complaint Case No. 702(C) of 2015, 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 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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