

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29875 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Gopal Krishna Rai Son of Ram Sumer Rai

.... Petitioner/s

Versus

1. The State of Bihar

2. Kanchan Devi Wife of Gopal Krishna Rai D/o Kamlakant Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Sri Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 341, 342, 504, 506, 354, 34 of the Indian Penal Code.

The accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children out of the wedlock. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That the petitioner is ready to settle all the dispute with the informant and further he is ready to live with her with

all love and affection with all minor children."

It is further submitted that the petitioner has filed Matrimonial Suit No.103/2014 for restitution of conjugal life. Similar was the stand of the petitioner before the learned Court below.

Considering the present stand of the petitioner, this Court is of the view that one opportunity may be given to the informant to reconcile the issue, hence, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Dehri, Rohtas at Sasaram, in connection with Mahila P.S. Case No.17/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to

appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.



Ashwini/-

(Dinesh Kumar Singh, J)

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