

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35790 of 2016

Arising Out of PS.Case No. -3215 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Namit Gupta son of Late Rameshwar Prasad Gupta resident of Village-
Fatak Chhapra, near Mahabir Temple, P.S. Chhapra, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Gupta wife of Namit Gupta, D/o Shri Rameshwar Prasad resident
of Village-Sirsa (Dighwa- Dubauli), P.S. Baikunthpur, District Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 22-08-2016 Learned counsel for the petitioner is permitted to make
necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case in which processes were
directed to be issued after cognizance being taken under Sections
498A and 406 of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits
his marriage with the complainant and birth of a child. The
petitioner is ready to keep the complainant as wife with full

dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That the petitioner has all love and affection with his wife as well as baby child and ready to keep her with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned court below though the impugned order reflects that the mediation failed due to laches on the part of the petitioner but the petitioner is now ready to keep the complainant unconditionally.

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 arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Gopalganj in connection with Complaint Case No. 3215 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Anil/-

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