

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36492 of 2016

Arising Out of Complaint Case No. -1010 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Abhay Kumar Rai S/o Late Ram Bilash Rai

.... Petitioner/s

Versus

1. The State of Bihar

2. Smt. Rina Devi D/o Nageshwar Rai, W/o Abhay Kumar Rai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr. Sri Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code.

Basic accusation is of torture, making assault and driving out the complainant from the matrimonial house after snatching her jewellery.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and there is nothing on record to suggest the accusation of assault. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.13 of the petition which reads as follows:-

"That it is submitted here that the petitioner is always ready to keep his wife (complainant herein) with full honour and dignity."

It is further submitted that similar was the stand of the petitioner before the learned Court below and the petitioner has also filed Matrimonial Suit No.39/2015 for restitution of conjugal life.

Considering the complaint was filed in 2012 and the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 SDJM (West), Muzaffarpur, in connection with Complaint Case No.1010/2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial

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

Ashwini/-

(Dinesh Kumar Singh, J)

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