

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32628 of 2016

Arising Out of PS.Case No. -2611 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Manoj Singh Son of Rajnath Singh resident of Village- Godhar Peoieya,
P.S. Kteya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumari Devi, Wife of Manoj Singh, resident of Vilage- Gerdhar
Poieya, P.S. Kteya, District- Gopalganj, Present Address- Daughter of
Jagdish Singh, Resident of village- Sngwadeh Chera Tola, P.S- Gopalpur,
District- Gopalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Sri Dinesh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2016 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 cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture. It is also alleged that the petitioner has illicit relationship with his brother's wife and on protest being made, the complainant was assaulted and driven out from matrimonial house.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and

birth of two children, though, one of them died. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is still ready to keep his wife with full dignity and honour, if she like to live with the petitioner in his house.”

It is further submitted that similar was the stand of the petitioner before the learned court below.

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 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, Gopalganj in connection with Complaint Case No. 2611 of 2014, 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 when the petitioner will take the complainant to her matrimonial house 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 (ii) if the complainant failed to appear or (iii) if the complainant deliberately refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

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