

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31677 of 2016**

Arising Out of PS.Case No. -6735 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-  
NAWADA

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Pankaj Singh Son of Upendra Singh, Resident of Village/Mohalla-Nimtola,  
Par Nawada, P.S. Nawada, District – Nawada.

.... .... Petitioner/s

Versus

1. State of Bihar
2. Sinku Devi Wife of Pankaj Sing, D/o Samarjeet Ram, Resident of  
Village/Mohalla – Neemtola, Par Nawada, P.S. Bundelkhand  
(Nawada) District- Nawada.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

6      15-11-2016                      Heard learned counsel for the petitioner and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein the process has been directed after cognizance being taken for the offences punishable under Sections 498A and 120B of the Indian Penal Code.

Petitioner and complainant are present.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of two children. At earlier point of time, the complainant filed a complaint case, levelling accusation of torture by causing burn injury by the petitioner and her in-laws. The said complaint was



ultimately registered as Nawada Town P.S. Case No. 284 of 2009 for offences punishable under Sections 498A, 307 and 379/34 of the Indian Penal Code after the complaint being transferred under Section 156(3) of the Cr.P.C., subsequently the matter was compromised between the parties and on the basis of the said compromise, the petitioner and his family members were granted bail. The said case is still pending for trial but after two or three months of the compromise, the complainant was driven out from her matrimonial house, hence the present case.

It is further submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant and children with full honour and dignity, an undertaking to this effect has been made in paragraph -2, of the supplementary affidavit, which reads as under:-

*“ That by way of this supplementary some relevant facts is being brought on the record of this case that the petitioner undertakes that he is ready to keep his wife with full dignity”*

Learned counsel for the complainant submits that the complainant is ready to accept the petitioner's offer subject to proper maintaining her and the children as she is apprehensive of the past conduct of the petitioner.

Both sides agree to appear before the learned court below

on 28.11.2016, when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the petitioner let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousan) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Nawada in connection with Complaint Case No. 1041 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

**(Dinesh Kumar Singh, J)**

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