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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32407 of 2016

Arising Out of PS.Case No. -655 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District- EASTCHAMPARAN(MOTIHARI)

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Varun Mishra Son of Vyas Mishra, Resident of Village- Fenhara, P.S. Chiraiya, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Divya Mishra, W/o Varun Mishra, D/o Navonath Mishra, At present Resident of Gaur, P.S Gaur. District- Rautahat, (Nepal).

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amitabh Choubey
For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2016 Heard learned counsel for the parties.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A, 323, 341/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:

> *"That it is also submitted that the petitioner is ready to keep the complainant with full respect and dignity."*

It is further submitted that similar stand was taken by the petitioner before the learned court below. In fact the petitioner has 75% disability in his right part due to which the complainant herself is not ready to live with the petitioner.

Considering the present stand of the petitioner and nature of disability, let the abovenamed petitioner be released on provisional anticipatory bail for one year, in the event of his arrest or surrender before the learned court below within a period of twelve 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 the Addl. Chief Judicial Magistrate, Sikrahana at Dhaka in Complaint Case No. C-655/2015, Trial No. 632/2016, subject to the conditions as laid down under section 438(2) of the 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 the 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)

Surendra/-

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