

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33810 of 2016

Arising Out of PS.Case No. -1259 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Bhola Sah @ Bhola Nath Son of Late Kamala Sah Resident of village -
Shishwa Tola Vijapar, Police Station Kothibhar, District - Maharajganj (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Babli Devi Wife of Bhola Sah @ Bhola Nath, daughter of Shivji Sah resident of village - Koyala Deva, Police Station Fhulwariya, District - Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-08-2016

Heard learned counsels for the petitioner and the State.

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 and 406 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full

dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner is still ready to keep the complainant as a wife with full honour and dignity. But in the past she never co-operated whole heartedly. This only led to the bitterness between the parties.”

It is further submitted that similar was the stand of the petitioner before the learned court below and petitioner has filed Matrimonial Suit No. 142 of 2012 for restitution of conjugal rights.

It appears from the impugned order that the petitioner stand of the petitioner was that he will keep the complainant as wife and the complainant accept the offer but on the next date the petitioner failed to appear the learned court below.

It is submitted by learned counsel for the petitioner that by inadvertent the petitioner could not appear before the learned court below but on the subsequent date he is ready to keep the complainant.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today,

on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 1259 of 2012, 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 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) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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