

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33856 of 2016

Arising Out of PS.Case No. -455 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Santosh Rai son of Shri Balram Rai, resident of village- Purani Bazar,
Police Station-Ramnagar, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sandhya Devi wife of Shri Santosh Rai, resident of village- Purani Bazar Ward No. 16 Ramnagar, Police Station-Ramnagar, District-West Champaran, at present residing at village Matiyariya Tola Pratappur, Police Station- Semara, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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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 Section 498A 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 13 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with him and ready to lead conjugal life with full honour and dignity.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 143 of 2015 for restitution of conjugal rights but in spite of the similar stand before the learned court below the learned Sessions Judge failed to make effort to get the issue reconciled.

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, Bagaha, District – West Champaran in connection with Complaint Case No. 455-C of 2015, 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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