

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37462 of 2016

Arising Out of PS.Case No. -858 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

=====

1. Manoj Kumar Son of Lahwar Sah resident of village - Baswariya, Pipar
Chowk, P.S. Bettiah Town, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhawani Devi Wife of Manoj Kumar and Daughter of Madan Sah
resident of village - Balthar, P.S. Balthar, District - West Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ajay Kumar Jha

=====

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

2 29-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted 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 the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“ That, the petitioner, her husband, has no any grievance against his wife, and therefore he undertakes before the Hon’ble Court to keep her with all dignity and honour, respect and comfort, safety and security.”

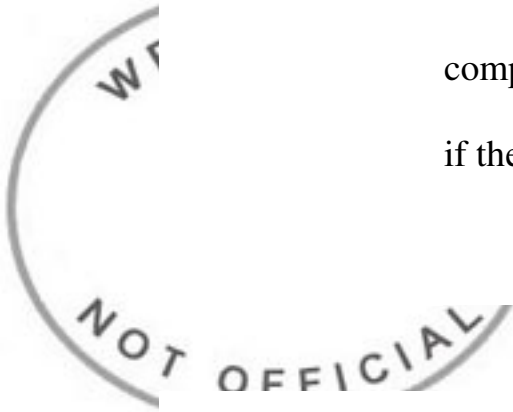
Though the impugned order reflects that the learned Sessions Judge has disposed of the anticipatory bail application since only summons were issued but it is submitted now that the warrant has been issued. Statement to that effect has been made in paragraph 5 of the petition.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran in connection with Complaint Case No. 858C 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 and 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--