

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35069 of 2016

Arising Out of Complaint Case No. -533 Year- 2015 Thana -KATIHAR COMPLAINT CASE
District- KATIHAR

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Sanjeet Kumar Yadav, son of Arun Prasad Yadav

.... Petitioner/s

Versus

1. State of Bihar
2. Rinku Devi, wife of Sanjeet Kumar Yadav

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-08-2016

Heard learned counsels for the petitioner and the State.

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

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 8 of the petition which reads as follows:-

"That the petitioner is ready to keep the complainant wife with full love, dignity and honour which she deserves.."

It is further submitted that similar was the stand of the petitioner before the learned Court below but the complainant failed to appear before the learned Court below in spite of service of notice, which gets reflects from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar, in connection with Complaint Case No.533/2015, subject to the conditions as laid down under Section 438(2) 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 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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