

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29857 of 2016

Arising Out of PS.Case No. -2938 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Krishna Mahto, son of late Deonandan Mahto

..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016 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 Sections 498A/323/379 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 he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"That the husband is ready to keep the victim with all dignity.."

It is further submitted that similar was the stand of the petitioner before the learned Court below but the offer of the petitioner was not accepted by the informant.

Considering the present stand of the petitioner, this Court is of the view that one opportunity may be given to the informant to reconcile the issue, hence, 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 8th ACJM, Motihari, East Champaran, in connection with Trial No.828/2015 arising out of Complaint Case No.2938/2013, 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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