

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52582 of 2015

Arising Out of PS.Case No. -544 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

=====

1. Dhananjay Sao Son of Sri Sarayu Prasad Gupta @ Sarayu Sao R/o
Village, P.O. and P.S. Risiap, District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi D/o Shankar Sao and wife of Dhananjuay Sao R/o Village,
P.O. and P.S. Risiap, District-Aurangabad, presently residing at Village and
P.S. - Fasar, District - Aurangabad

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

=====

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

ORAL ORDER

3 01-04-2016 The petitioner and complainant are present along
with their respective lawyer.

Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case in
which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 379, 498A/34 of the Indian Penal Code.

The basis accusation is of torture.

On instruction it is submitted by learned counsel
for the petitioner that the petitioner admits the marriage with
the complainant and birth of a male child, but the petitioner

filed Matrimonial Suit No. 79 of 2014 for divorce thereafter the present complaint case has been filed. Though, the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 7 of the petition which reads as follows:-

“That it is also relevant to submit here that the petitioner is always and still ready to keep his wife/complainant/ O.P. No. 2 with full respect, dignity and honour, but the complainant/O.P. No. 2 has refused to live with the petitioner and for this purpose the petitioner made several efforts with the help of the well wishers and also went to her sasural for taking the O.P. no. 2 in his house. But she is not ready to live with the petitioner. Lastly, getting no way the petitioner filed a Divorce Case No. 79 of 2014 on 02.07.2014 under Section 13 of the Hindu Marriage Act for granting decree of divorce before the learned Principal Judge, Family Court, Aurangabad.”

Learned counsel for the complainant accepted the offer of the petitioner.

The petitioner is ready to take the complainant from the Court itself to the matrimonial house. The offer of petitioner is acceptable to the complainant.

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 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 J.M., Ist Class, Aurangabad in connection with Complaint Case No. 544 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year 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)

P.K./-

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