

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29579 of 2016

Arising Out of PS.Case No. -199 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Dinbandhu Giri son of Late Ramayodhya Giri resident of Village - Areraj,
P.S. - Gopalganj, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gita Devi wife of Dinabndhu Giri resident of Village - Areraj, P.S. Govidnganj, District - East Champaran at present D/o Ram Naresh Giri, resident of village -Kurkut Reikha Mahtia, P.O. & P.S. - Sangrampur, District -East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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

03/ 27-10-2016

Heard learned counsels for the petitioner, State
and opposite party no.2.

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. At the earlier point of time the complainant

had filed Complainant Case No. 1022C/1993 against the petitioner, which was ended into compromise but thereafter the petitioner filed Matrimonial Suit No. 340 of 2015 with a prayer for divorce, 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 paragraph 14 of the petition, which reads as follows:-

“That the petitioner is a man of means and he is ready to keep her wife with full dignity and honour but she is not ready to live with her husband and is living in her father’s home.”

Counsel for the complainant submits that the complainant in pursuance to the earlier compromise has resumed the conjugal life but attempt on her life was made hence, she is apprehensive due to the past conduct of the petitioner. However, at present, the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 15th of November, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Complaint Case No. 199 of 2016, 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 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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