

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34431 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -HATHUA District- GOPALGANJ

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Mohan Srivastava son of Late Nand Kishore Lal resident of village-
Machhagar Jagdish, P.S. Hathwa, Distt.- Gopalganj

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2 (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour”

It appears from the impugned order that learned Sessions Judge had referred matter to the Mediation Centre but the issue could not be resolved.

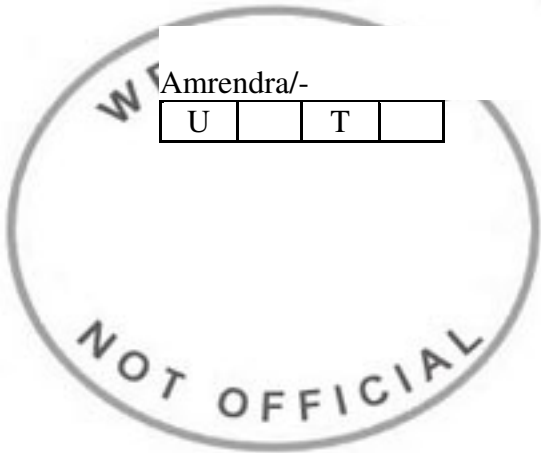
In view of the present stand of the petitioner, this Court is inclined to grant one more chance to the parties to resume the conjugal life.

In the circumstances, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Gopalganj in connection with Hathwa P.S. Case No. 68 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance when the petitioner will take the informant to her matrimonial house 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 (ii) if the informant failed to appear or (iii) if the informant deliberately

refuses to reside with the petitioner.



(Dinesh Kumar Singh, J)