

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36346 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -MAHILA P.S. District- SAMASTIPUR

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Rajeev Jha son of Sadhu Sharan Jha Resident of village Raghunathpur Bela,
P.S. Muffasil, District Samastipur At present residing Kashipur, near
Acharya Science Coaching, P.S. Town, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari daughter of Nagendra Thakur Resident of village Ashadhi,
P.S. Tajpur, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.
For the Opposite Party/s : Mr. Sri Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-08-2016 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, 379, 354, 341, 323 and 504/34 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 birth of two children who are residing with the petitioner. The petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 15 of the petition which reads as follows:-

“That the petitioner always ready to keep the complainant/informant as a wife with honour and full dignity”

It is further submitted that similar was the stand of the petitioner before the learned court below but the issue could not be resolved which gets reflected from the impugned order. Moreover, the petitioner has also filed Matrimonial Suit No. 23 of 2016 for restitution of conjugal life.

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 ACJM, Samastipur in connection with Samastipur Mahila P.S. Case No. 01 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)

Amrendra/-

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