

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43495 of 2016

Arising Out of PS.Case No. -220 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Sanjeet Paswan, S/o Umesh Paswan, resident of village- Larua, P.S.-Tajpur
(Halai O.P.) District- Samastipur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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

ORAL ORDER

2 05-10-2016 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, 504, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That real fact is that Puja
Devi has herself deserted her husband.
But the petitioner is ready to keep her with
full honour and dignity.”



It is further submitted that petitioner has earlier filed Matrimonial Suit No. 344 of 2014 for restitution of conjugal life, thereafter the present complaint case has been filed. It is also further submitted that petitioner has expressed his willingness to keep the complainant, but the complainant has refused to accept the offer of the petitioner because she is apprehensive due to past conduct of the petitioner.

Considering the present stand of the petitioner, this Court is of the view that effort should be made once again to get the issue reconciled. Let, the learned court below transmit the matter to Mediation in order to make an effort to get the issue reconciled.

In the circumstances, 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 Shri A.K. Raina, J.M. Ist Class, Samastipur in connection with Complaint Case No. 220 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant 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 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)

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