

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3355 of 2016

Arising Out of PS.Case No. -665 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sunil Kumar Mishra @ Sunil Mishra

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Ansural Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is
apprehending 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.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and is ready
to keep the complainant as wife with full dignity and honour. A
statement to that effect has been made in para 8 of the petition
which reads as follows:-

*“That it is also humbly submitted here that
petitioner is willing to keep his wife with a great
respect.....”*

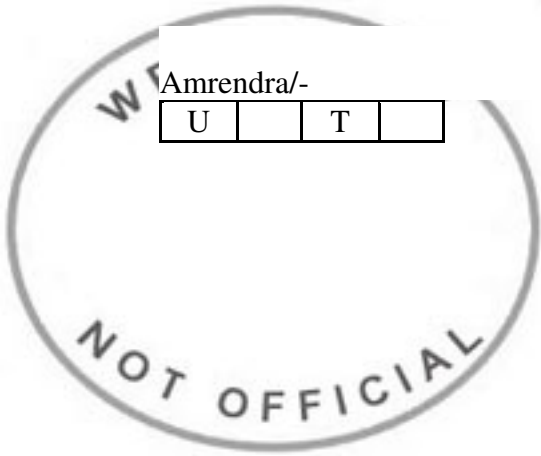
It is further submitted that though, the petitioner has filed Matrimonial Suit No. 71 of 2013 with a prayer for divorce but he is ready to withdraw the same, though, statement to that effect has not been made in the petition.

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 SDJM, Bikramganj, Rohtas in connection with Complaint Case No. 665 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. 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 by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or

(iii) if the complainant gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)