

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44964 of 2016

Arising Out of PS.Case No. -1273 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Pankaj Kumar @ Pankaj Kumar Sinha Son of Kapileshwar Prasad
Residence of Mohalla- Kidwaipuri Quarter no. 16 P.S. Budha Colony Distt-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Lovely Sinha Daughter of Arun Kishn@Arun Kishor Sinha at Present
mohalla- Baradari PS Bihar Dist Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 17-10-2016 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 processes have
been directed to be issued after cognizance being taken under
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits
his marriage with the complainant and is ready to keep the
complainant as wife with full dignity and honour. Statement to
the aforesaid effect has been made in paragraph no. 8 of the
petition which reads as follows:

“ That it is stated that the petitioner is ready to keep his wife with dignity and Honour if the complainant is ready to live with the petitioner.”

It is further submitted that the petitioner filed Matrimonial Suit No. 372 of 2013 for restitution of conjugal rights and thereafter the present complaint has been filed.

Considering the present stand of the petitioner, 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Biharsharif (Nalanda) in connection with Complaint Case No. 1273 C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or

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

Anil/-

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(Dinesh Kumar Singh, J)