

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58632 of 2015

Arising Out of PS.Case No. -812 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. MUNNA PRAJAPATI @ MUNNAN PRASAD @ MUNNAN
PRAJAPATI Son of Bachan Prajapati R/O Unninibi P.o Khekhara P.s.
LLia Distt Chandauli (U.P.)

.... Petitioner/s

Versus

1. State of Bihar
2. Smt. Janki Devi Daughter of Sri Guput Nath Prajapati R/O Dhobha
(West Patti), P.S. - Chand, Distt - Kaimur (Bhabhua), Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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

ORAL ORDER

3 02-05-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits the marriage with the complainant and birth of two children. The petitioner and the complainant mutually decided to part ways, but no Matrimonial Suit was filed. The petitioner is ready to keep the complainant as wife

with full dignity and honour. Statement to that effect has been made in para- 10 of the petition which reads as follows:-

“That it is humbly submitted that allegation of the second marriage of the petitioner to another lady is far from the truth and since marriage between the petitioner and complainant has been dissolved with mutual consent but not by obtaining decree of divorce from the competent court of law, therefore, if she is willing to reconstitute the conjugal life, petitioner is always ready to give her full honour and dignity. ”

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year 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 Sri Virendra Prasad, J.M., Ist Class, Kaimur at Bhabhua in connection with Complaint Case No. 812 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both the petitioner and complainant agree to appear before the learned court below on 28th of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour. This is not in dispute that the children are residing with the petitioner.

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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