

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58466 of 2015

Arising Out of PS.Case No. -1955 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Murli Manohar Mishra, S/o- Shivanandan Mishra R/o:- Sector-3, Quarter
No. 796, Bokaro Steel City, P.S.- Bokaro, District- Bokaro

.... Petitioner/s

Versus

1. The State of Bihar
2. Dimpal Kumari, W/o- Murali Mohan Mishra, D/o- Shri Gopal Prasad
(Presently residing at Mehboob Khan Tola, P.S.- K. Hat Zila, Purnea)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv
For the Opposite Party/s : Mr. B.M.P.Sinha (App)

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

2 04-01-2016 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 Sections 498A of the Indian Penal Code.

The 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 10 of the petition which reads as follows:-

“That the petitioner is ready to keep the

complainant unconditionally with himself.....”

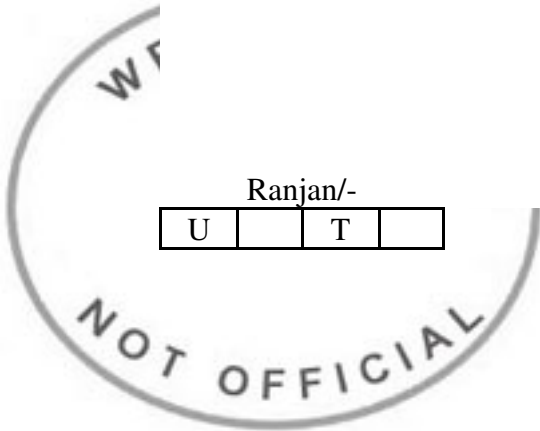
Moreover, the petitioner has also filed Matrimonial Suit No. 285 of 2015 for restitution of conjugal rights.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Purnea in connection with Complaint Case No.1955 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 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.

The provisional bail of the petitioner will not be

confirmed by the learned Court below if substantial proof comes that the petitioner has performed second marriage.



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(Dinesh Kumar Singh, J)