

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44173 of 2016

Arising Out of PS.Case No. -110 Year- 2015 Thana -ALIPUR District- GAYA

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1. Harihar Singh Son of Late Kameshwar Singh Resident of Village-
Baghoi, P.S.- Haspura, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neetu Devi Daughter of Mahendra Singh Resident of Village- Madarpur,
P.S.- Alipur, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offence punishable under Sections 498A,504 and 506/34 of the Indian Penal Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner admits his marriage with the informant in the year 2000 and birth of a female child and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 12 of the petition which reads as follows:

“ That the petitioner husband is willing to keep O.P. No. 2 as his wife with full dignity and honour.”



It is further submitted that the informant earlier filed Complaint Case No. 759 of 2005 with similar accusation wherein the petitioner has been acquitted vide judgment dated 27.10.2014 passed in Trial No. 569 of 2014 and thereafter the present complaint in order to wreak vengeance has been filed in 2015. It is further submitted that similar was the stand of the petitioner before the learned court below.

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, Gaya in connection with Alipur P.S. Case No. 110 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 informant and on her appearance the petitioner will take the informant 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

informant fails to appear before the learned court below or (iii) if
the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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