

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40944 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Anil Kumar son of Uday Shankar Prasad resident of Sabzi Mandi,
Raxaul, Ward No.21, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Kumari wife of Anil Kumar, D/o Chandrika Prasad R/o Village-
Amodei (Shobha Tola), P.S.- Ramgarhwa, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

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

ORAL ORDER

2 20-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case filed with accusation under Sections 323,504 and 498A of the Indian Penal Code wherein processes were directed to be issued after cognizance being taken.

The basic accusation is of torture.

On instruction it is submitted that the petitioner admits his marriage with the complainant and the complainant herself has deserted the petitioner. The petitioner is ready to keep the complainant as wife with full dignity and honour though statement to the aforesaid effect has not been made in the petition.

Learned counsel for the complainant submits that the

complainant is not ready to resume the conjugal life but she is ready to get the issue settled on payment of permanent alimony.

Considering the present stand of the parties, 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, East Champaran, Motihari in connection with Complaint Case No. C-32 of 2016 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 on the issue being reconciled between the parties.

(Dinesh Kumar Singh, J)

Anil/-

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