

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24195 of 2016

Arising Out of PS.Case No. -1266 Year- 2015 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Manish Kumar Sharma @ Manish Kr. Sharma son of Braj Nandan Sharma.
..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-06-2016

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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but the petitioner filed Matrimonial Suit No. 1105 of 2015 on 12.05.2015 with a prayer for divorce and thereafter the present complaint has been filed. The complainant also filed Maintenance Case No. 135 of 2015. In the circumstances, the petitioner is not ready to resume the conjugal right.

It is submitted by learned counsel for the complainant

that in spite of notices being issued, the petitioner failed to appear and process under Section 82 and 83 Cr. P.C. has already been issued.

In the circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, however, considering the fact that matrimonial suit was filed at earlier point of time, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 1266 of 2015 pending in the court of learned JM, 1st Class, Siwan.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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