

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27526 of 2016

Arising Out of PS.Case No. -9133 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Prakash Mahto Son of Late Yogendra Mahto

.... Petitioner/s

Versus

1. The State of Bihar
2. Janita Devi Son of Mangal Mahto

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2016

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 accusation is of torture.

Earlier the petitioner's prayer for anticipatory bail was disposed of by the learned Sessions Judge since only summons were issued with direction to the learned Magistrate to consider the prayer for regular bail, but the petitioner in stead of surrendering before the learned Court below preferred second anticipatory bail application before the learned Sessions Judge.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is

ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9.That petitioner is hereby submitted that the petitioner is ready to keep the complainant as wife with full dignity."

It is further submitted that only non-bailable warrant of arrest has been issued.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Begusarai, in connection with Complaint Case No.9133 C/2013, 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.

(Dinesh Kumar Singh, J)

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