

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5051 of 2016

Arising Out of PS.Case No. -448 Year- 2015 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Sarwan Das S/o Sri Devki Das Resident of Village - Bishnupur
Mirjapur Banduar, P.S. - Town, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nutan Devi S/o Sarwan Das, D/o Ram Sagar Das Resident of Village -
Vishnupur Mirjapur Banduar, P.S. - Town, District - Begusarai, Present
residence of Pokhariya Ward No. 39, House No. Ram Bilash Singh, P.S.
Town, District - Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2016 The petitioner being husband of the

complainant is apprehending his arrest in a complaint case
wherein processes were 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 on instruction that 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 11 of the petition. The relevant portion of
which reads as follows:-

“That the petitioner is ready to

keep her wife with full care and dignity.”

It is further submitted that though the matter was disposed of since summons were issued against the petitioner but now non-bailable warrant of arrest against the petitioner has been issued. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

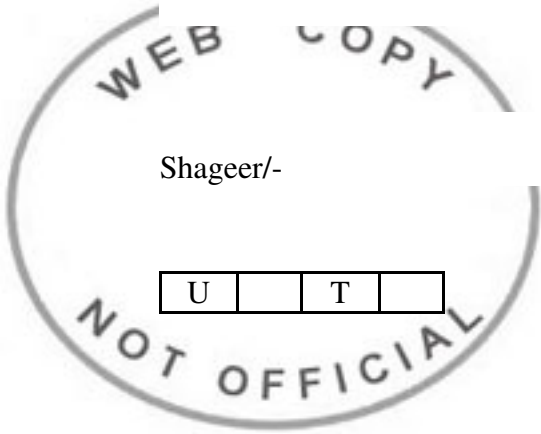
“That it is relevant to state here that arrest warrant was issued against petitioner on 04.01.2016 by court below.”

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months 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, 1st Class, Begusarai in connection with Complaint Case No. 448C of 2015.

Let learned Court below issue notice to the complainant and fix a date for her appearance. On appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the complainant fails

to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)