

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5549 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -MAHILA P.S. District- PATNA

=====

Harendra Kumar @ Harendra Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-02-2016

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 offences punishable under Section 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner has filed Matrimonial Suit No. 82 of 2009 for restitution of conjugal right which has already been decreed ex-parte and he is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 6 of the petition relevant portion of the same reads as follows:-

“That....the petitioner is husband of the informant and want to keep her with full dignity and honour.....”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 JM, 1st Class, Patna in connection with Mahila P.S. Case No. 12 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 for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--