

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7327 of 2016

Complaint Case No. -519 Year- 2014 Thana -MUNGER COMPLAINT CASE District- MUNGER

Umesh Kumar Son of Mahendra Tanti

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari D/o late Mahendra Tanti

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-02-2016

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.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and has filed Matrimonial Case No. 140/2014 for

restitution of conjugal rights. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

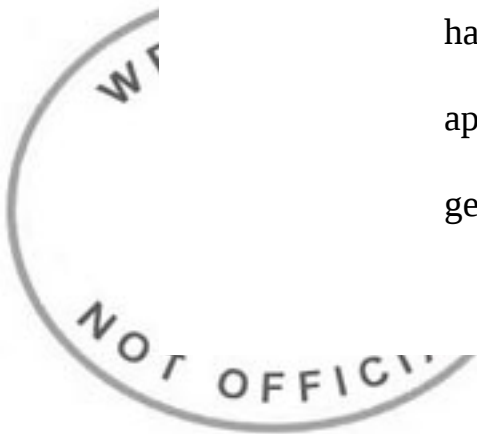
"10. That the petitioner wanted always to keep his wife and now also he is ready to keep his wife with full respect..."

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 SDJM, Munger in connection with Complaint Case No.519C/2014, 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.



Ashwini/-

(Dinesh Kumar Singh, J)

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