

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12453 of 2016

Arising Out of PS.Case No. -369 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Dinesh Mukhiya, son of Yogendra Mukhiya, resident of Village-Muradpur,
P.S.-Nauhatta, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi, wife of Dinesh Mukhiya, resident of Village-Muradpur,
P.S.-Nauhatta, District-Saharsa, at present daughter of Baso
Mukhiya, resident of Village-Belha Ghat, Ward No. 01, P.S. &
District-Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2016 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 Sections 498A, 504 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 8 of the petition which reads as follows:-

“That it is humbly submitted
that the petitioner has never refused to discharge his
duties as husband and is still ready to keep her with

full honour and dignity”

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, Madhepura in connection with Complaint Case No. 369 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 six months (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)

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