

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15559 of 2016

Arising Out of PS.Case No. -524 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

Bhola Prasad @ Vikash Kumar, son of Gena Prasad Gupta, resident of
Mohalla-Akharaghat Nazirpur, P.S.-Ahiyapur, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajani Devi, wife of Bhola Prasad @ Vikash Kumar, daughter of
Anil Kumar, resident of Mohalla-Jaitpur, Ward No. 4, P.O.+P.S.-
Pupri, District-Sitamarhi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-04-2016 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 323, 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 9 of the petition which reads as follows:-

“That the petitioner is ready

to keep the complainant and her/his child with respect and dignity as wife and child respectively”

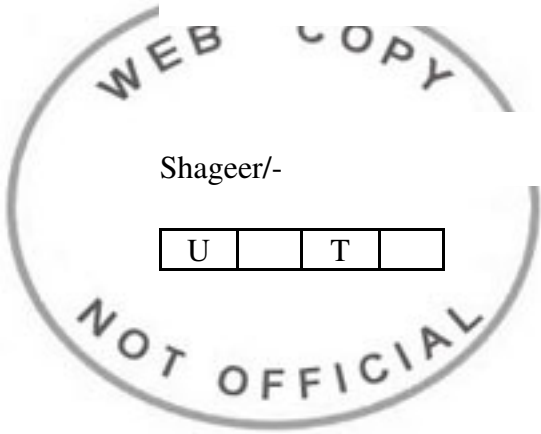
It is further submitted that similar was the stand before learned Court below when learned Sessions Judge, Sitamarhi disposed of the anticipatory bail application of the petitioner with a direction to appear before learned Court below along with his wife when petitioner was to be granted provisional bail for six months.

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 Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Complaint Case No. C1-524 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)