

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15812 of 2016

Arising Out of PS.Case No. -663 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Surendra Raut Son of Ganesh Raut Resident of Mohalla-Mathia zirat
Mestar Patti, P.S.-Chhatauni, Dist.-East Champaran.... Petitioner/s
Versus

1. State of Bihar
2. Renu Devi Wife of Surendra Raut, Daughter of Ram Prasad Raut
Resident of Mohalla-Mathia zirat Mestar Patti, P.S.-Chhatauni, Dist.-East
Champaran Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 11-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Section 498A of the Indian
Penal Code.

The basic accusation is of torture.

The petitioner admits marriage with the complainant.
On instructions, it is submitted that the petitioner is ready to keep
the complainant as wife with full dignity and honour. Statement to
the aforesaid effect has been made in paragraph no. 13 of the
petition which reads as follows:

*“13. That the petitioner humbly submits that he
is ready to keep the complainant as his wife with full honour
and dignity.”*

Considering the present stand of the petitioner coupled

with the fact that though the complaint was lodged in the year 2011 but the order of cognizance was passed on 23.03.12, let the above named petitioner be released on provisional anticipatory bail for four months 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar Motihari, East Champaran in connection with Complaint Case No. C-663 of 2011, Trial No. 5318/2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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