

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24661 of 2016

Arising Out of PS.Case No. -1320 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Bablu Sharma @ Bablu Kumar son of late Dinesh Sharma

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2016

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 has been taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to complainant/opposite party no.2, vide order dated 13.06.2016. The office note dated 10.08.2016 reflects that ordinary process of notices has been received by opposite party no.2 personally but none is appearing on behalf of opposite party no.2. Though, the impugned order reflects that the complainant was ready to settle the matrimonial dispute but the petitioner refused to settle the same but it is submitted by learned

counsel for the petitioner that now the petitioner is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That That the petitioner is ready to keep her wife with all dignity and prestige ...”

Considering the present stand of the petitioner, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st Class, Gaya in connection with Complaint Case No. 1320 of 2012, 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 when the petitioner will take the complainant to her matrimonial house 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 (ii) if the

complainant failed to appear or (iii) if the complainant deliberately
refuses to reside with the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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