

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35166 of 2015**

Arising Out of PS.Case No. -1150 Year- 2014 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Arvind Prasad Son of Sri Krishnadeo Prasad, Resident of Flat No. 401 - D,  
R.P.S. Home, Sathevasti, P.S. - Lohegaon, District - Pune, Pin - 411032.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Pranay Kumar, Son of Pradeep Kumar Mehta, resident of Opp. Anjali Gas Godown, P.S. - Bahadurpur, District - Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan Prasad

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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

06/ 18-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the sister of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the sister of the complainant and it was the sister of the complainant who

deserted the petitioner, the petitioner has filed Matrimonial Suit No. 335 of 2014 in the Family Court, Pune, though, the complainant has filed Domestic Violence Case.

The petitioner and the sister of the complainant are present.

Counsel for the petitioner submits that the petitioner is ready to take his wife to keep her with dignity and honour.

Counsel for the complainant submits that the sister of the complainant is also ready to accept the offer of the petitioner and both are ready to file appropriate application for withdrawal/compromise of the cases filed by either side.

The petitioner agrees that within two weeks he should take his wife from the parents of the sister of the complainant.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned

Additional Chief Judicial Magistrate, Patna City in connection with Complaint Case No. 1150(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the sister of the complainant gets reluctant to reconcile the issue; and (iii) or if the sister of the complainant fails to appear before the learned court.

**(Dinesh Kumar Singh, J)**

DKS/-

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