

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43267 of 2016

Arising Out of Complaint Case No.. -2160 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Shyam Babu Sah son of Mistri Lal Sah

.... Petitioner/s

Versus

1. The State of Bihar

2. Babita Devi W/o Shyam Babu Sah, D/o Babulal Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Sri Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-09-2016

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of two children. It is further submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour, though, specific statement to that effect has not been made in the petition, but it has been mentioned in paragraph no.8 of the petition, that the petitioner always tried to maintain the conjugal

life, which reads as follows:-

"That it is not out of place to mention here that the petitioner never torture nor assaulted to wife nor intent to divorce her rather the petitioner always tried to maintain conjugal life and with to live peaceful environment but the complainant always tried to live with her maikie the parents and relative of the complainant connivance her to live with them."

It is further submitted that the petitioner has filed Matrimonial Suit No.115/2014 for restitution of conjugal life, which is still pending.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ACJM-VI, Motihari, East Champaran, in connection with Complaint Case No.2160/2015, Trial No.1553/2016, 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. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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