

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27014 of 2016

Arising Out of PS.Case No. -986 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Awadhesh Rai, aged about 25 years, son of Late Bhola Rai resident of
Ranipur Rasulpur, P.S.- Mehndiganj, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Radha Devi D/o Sri Ram Rai, wife of Sri Awadhesh Rai Resident of
Village- Ranipur, Rasulpur, P.S. Mehandiga, dist- Patna. at present
Mohalla- Lalji Tola, P.S. Gandhi Maidan, Distt- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Adv.
For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2016 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 Sections 323 and 498A/34 of the Indian Penal
Code.

The basic accusation is of torture and making attempt to
kill the complainant by causing burn injury.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant. It is further
submitted that in fact no injury was caused to the complainant.

The petitioner and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-

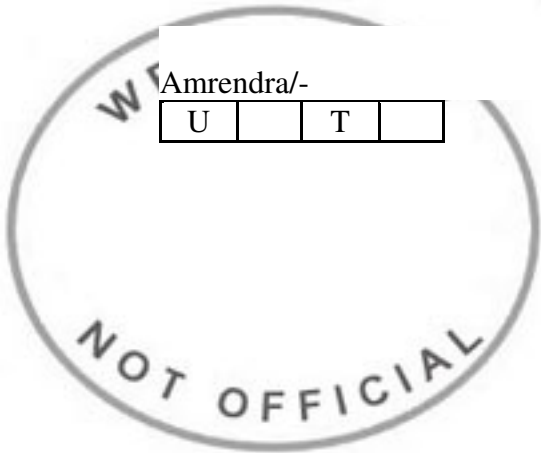
“That the petitioner is always ready to keep the complainant as wife with full dignity and honour.”

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 JM, 1st Class, Patna in connection with Complaint Case No. 986C of 2015, 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.



(Dinesh Kumar Singh, J)