

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40959 of 2016

Arising Out of PS.Case No. -441 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramji Mandal S/o late Dhanpat Mandal Residence of Village- Mathiya,
PS Dhaka, Distt East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bimal Devi W/o Ramji Mandal, D/oMangni Mandal R/o Ruphara, PS
Dhaka, Dist East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Kalyan Shankar

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

2 20-09-2016 Learned counsel for the petitioner is permitted to make
necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case in which processes were
directed to be issued after cognizance being taken under Sections
498A and 497 of the Indian Penal Code.

The basic accusation is of torture and establishing
physical relationship with the brother's wife.

It appears that the complaint was filed in 2011 and the
learned Sessions Judge rejected the prayer for anticipatory bail in

2014 and thereafter the present bail application has been preferred before this court in 2016 which reflects the casual manner in which the petitioner is concerned about his liberty.

On instruction it is submitted that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That it is humbly stated and submitted that the petitioner is the husband of the victim and he is ready to keep her with full honour and dignity. ”

Considering the present stand of the petitioner with a lurking hope that the issue may be reconciled between the parties and the impugned order reflecting that the complainant failed to appear before the learned court below, 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 four 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 ACJM, Sikrahana in connection with Complaint Case No. 441 of 2011 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)

Anil/-

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